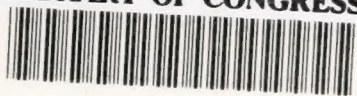


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THE STORY OF AN EARNEST LIFE



John M. Palmer

PERSONAL RECOLLECTIONS OF JOHN M. PALMER

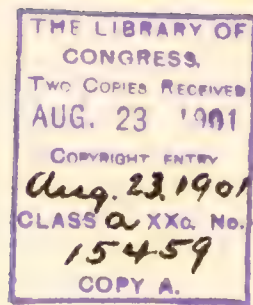
THE STORY OF
AN EARNEST LIFE



CINCINNATI
THE ROBERT CLARKE COMPANY

1901

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YASSEL BAT

DEDICATION.

I have borne a part in some of the most important political events which have transpired in this state and the nation during the last half century; my own share in them was small, but that small share is dignified by its connection with the great actors who were the human agencies that gave to them historical importance.

When I commenced the preparation of this "Story of an Earnest Life," I intended to dedicate it to my friend, Lyman Trumbull, then living.

We met first in December, 1839. He was at that time a lawyer, and lived in Belleville; I was a law student, and came from Carlinville to Springfield, where the Supreme Court was in session, to obtain admission to the bar.

After that time, Mr. Trumbull and I became intimate friends, and agreed upon all questions of principle and policy, until the close of his life, with the exceptions which I shall probably hereafter mention.

Mr. Trumbull died at his home, in Chicago, on the twenty-fifth of June, 1896. He was a profound lawyer, sincere in his friendships, a kind husband, an affectionate father, and an earnest, patriotic citizen.

Now, that he, like Douglas and Lincoln, Bissell and Koerner, and a long catalogue of others, once my friends and political associates, has passed away (and but few survive), I can only dedicate what I have written to the "People of the State of Illinois, and especially to the Young Men," who may feel some interest in the struggles of one who earnestly sought, in his private and public relations, to be useful in his "day and generation."

J. M. P.

IN MEMORIAM.

If all the men and women
 He helped when sore distressed;
If all the little children
 He loved and kissed and blessed;
If all the slaves he helped to free,
 The battles fought and won,
The civic wrongs he righted,
 The duties he has done;
If all the poor, frail mortals
 Whose tears he wiped away,
Could come from earth and heaven
 And be with us to-day,
Ah, what a choir invisible
 Of blessings, thanks and tears
Would thrill the hearts that mourn for him
 With his crown of earnest years!

—ELIZABETH PALMER MATTHEWS.

PREFACE.

THE earthly portion of "An Earnest Life" was closed on the twenty-fifth day of September, 1900. Early, while the rising sun proclaimed the coming of a glorious Indian summer day, the summons came, and with tender thought for one so dear, the Master gave to "His beloved sleep" from which he awoke "in His presence."

Many times during the years spent together, we talked of the going hence, and while with reverent submission to whatever manner the call might come, he had expressed the hope that it would find him with every faculty bright from use and "with the harness on," ready, like the ancient trapper, of whom he loved to read, to answer "Here!"

God granted his wish, and in peaceful slumber he passed away.

We, whose privilege it was to be with him in the beautiful simplicity of his home life, beheld his character from a point of view different from that of the world, who saw only the wisdom of the lawyer, the bravery of the soldier, or the dignity of the statesman. Gentle to the last degree, he had a deep interest in the weak and oppressed.

Humanity in every phase appealed to him. Strong, self-reliant and buoyant with the vigor of robust health, he was always ready to shield those less fortunate; his most tender care was for the weak one, be it an afflicted child or a stray lamb of the flock.

The bearer of many burdens, as every great nature must be, he had the faculty of catching the stray sunbeams which glinted in the darkness, and possessing a keen sense of humor, which enabled him to enjoy a joke, even at his own expense, he was to all a genial companion.

Being an ardent lover of nature, each changing season

won from him a tribute. It was his custom to bring to our notice the first swelling bud of spring-time; to pluck from snow and icy sleet the "Last Rose of Summer," and a something in his nature responded to the grandeur of a thunder storm.

Music was his delight, especially songs of the plantation, weird and full of melody; the gentle strains of a childish lullaby, or the solemn measure of majestic hymns, associated with years of early manhood, and made doubly sacred by the memory of voices long still, of parents, brothers and sister—yea, of many dear ones.

The writing of these "Recollections" was a labor of love. It may be that the never-weary fingers dallied with the pen while memory was busy. It was "hard to select" from such a vast treasure-house that which might interest all. Most lovingly he lingered over the early years and paused for a space, while in imagination he fought again the fierce battles of the Civil War and recalled with reverence each brother soldier.

And, as the busy life drew near its close and new problems and important issues demanded consideration, many times did he express the conviction that it was "too early to write more than a recital of facts: at a later day others would write of the history now being made."

Surely, it was with a prescience born of nearness to the world beyond, that he gave utterance to the belief that when the last chapter was written he would "have nothing more to do."

Patient, wise, devoted life! By her whose privilege it was to share and be a part of this life for more than twelve beautiful years this sketch is written.

HIS WIFE.

JOHN M. PALMER.

His conscience alone he served,
 However small the cause, or great;
Never by friendship swerved,
 Never turned aside by hate.

Honest his least intent,
 Therefore, let but one line be wrought
At last upon his monument:
 “A man who acted what he thought.”

—S. E. KISER.

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THE STORY OF AN EARNEST LIFE.

CHAPTER I.

Birth and ancestry of the author—Removal to Green river country—
Character of the country—Politics of the times—Slavery question—
Removal to Illinois, in 1831.

My earliest recollections go back to a new, and then sparsely settled, portion of Southern Kentucky. My father, Louis D. Palmer, was born in Northumberland county, Virginia, on the third day of June, 1781, and was the third son of Isaac and Ann (McAuley) Palmer, who were both born in Northumberland county in that state, the first on the first day of November, 1747, and the latter in June of the year 1747; they died in Christian county, Kentucky, within a few months of each other, the oldest persons in that part of the state. My great-grandfather, Charles McAuley, came to Virginia from the north of Ireland, and, as may be inferred from the name, was of Scotch descent. My great-grandfather, Thomas Palmer, emigrated to Virginia early in that century from England.

My grandfather, Isaac Palmer, and my grandmother, Ann McAuley, were, when young, baptised by Lewis Lunsford, one of the early Baptist preachers in Virginia; they adhered to that church as long as they lived with unshaken fidelity.

My mother, Ann Hansford Tutt, was born on the twenty-seventh day of October, 1786, in Culpepper county, Virginia, where her father, Lewis Tutt, and her mother, Isabella Yancy, were born about the year 1750.

Their ancestors were early settlers in Virginia, the Tutts from England and the Yanceys from Wales. Their families were wealthy, and so proud of their connection with the established church, that I imagine my grandfather Tutt did not join in the revolutionary movement in Virginia with much enthusiasm. My grandfather Palmer, in his quiet, stubborn way, took part in the contest; he appears upon the roll of Revolutionary soldiers as a "minute man," and received a pension of eight dollars per month for his services. I remember what I thought to be the excellent wit he exhibited in calling Cornwallis "Cobwallis," because he said "they shelled the corn off him in Yorktown!" In his old age his heroes were Washington and Lafayette, the latter of whom he remembered only in my day by the name of "De Marcus," to whom, as he said, "General Washington compelled the shelled 'Cobwallis' to deliver his sword at Yorktown."

His life was spent in the quiet pursuits of agriculture, following the simple methods of his day. I remember that his pride was, that he "owed no man," and that he attended the monthly church meetings which were always held on Saturday, and followed by Sunday preaching, with unfailing regularity. He had aspirations, however, for his boys, and "bound them out" to learn trades. Seven years was then the term of an apprenticeship. My father, when fourteen years of age, was bound to Archibald McIlvaine, a cabinet-maker doing business in Lexington, Kentucky, where he remained until his twenty-first birthday, June 3, 1802, when his apprenticeship expired.

While in Lexington, my father, who was then and always was, an omnivorous reader, made himself familiar with the meager political literature of the day, and became an admirer and devoted adherent of Mr. Jefferson, while I even now remember that my grandfather disliked him. He insisted that Mr. Jefferson was an infidel, and had opposed Washington. Those were, in his esti-

mation, unpardonable offenses. My father and mother were married on March 22, 1814, soon after he returned from a campaign in the northwest against the "British and Indians." He was in the rifle regiment raised and commanded by Colonel John Allen, who fell at the disastrous affair at Raisin river, where so many brave men were sacrificed to the tomahawk of the Indians by the shameful conduct of the British commander. From all accounts I have heard, General Winchester probably lacked capacity, and his volunteer troops were insubordinate and reckless, but they were brave, and if left to themselves, would either have died with their arms in their hands, as Colonel Allen and Captain McCracken did, or have obtained better terms than General Winchester did for them. My father was on detached service that day and escaped the massacre which followed the surrender.

No names were more familiar to me in my boyhood than were those of Colonel John Allen and Captain Archibald McCracken, to whose company my father belonged; both fell at Raisin river, gallantly doing their duty, and Kentucky has honored their names by bestowing them upon counties in that state. My father served for a short time after the affair at Raisin river, but as the time of his enlistment (six months) had nearly expired, he was not present at any other affairs of importance. After his return, he visited the then territory, now state, of Indiana, and bought land on the Ohio river, near Madison, but after his marriage he abandoned the idea of removing to that state. He followed his trade, living in Woodford and Scott counties (I was born in Scott county on September 13, 1817), and until the fall of the year 1819, then, attracted by the glowing descriptions of the beauty and fertility of what was then known as the "Green River Country," he, with my mother, my eldest brother Elihu and myself, removed to Christian county.

Our removal was after the manner of the times; we

traveled the distance on horseback, my brother, then four years old, rode on the horse behind my father, and my mother, on another horse, carried me in her lap; their worldly goods consisted of two hundred silver dollars and two horses, as I have often heard—"the silver was carried in saddle-bags." I have listened to many talks about their removal, but only recollect that my father often said that during the journey, if I had a full allowance of food and sleep, I gave no trouble. I think I have maintained the character then earned ever since.

Soon after his arrival in Christian county, my father bought a tract of land containing about three hundred acres in the "Barrens," as they were called; the land was nearly in the condition of some of the prairies in Southern Illinois; it had upon it scrubby black-jack and hickory growth which showed marks of the fires which had swept over it for many successive years; it was easily cleared and when once put into cultivation, produced excellent crops of corn and tobacco, which afterwards became the chief commercial crops of that part of the state.

The settlers of Southern Kentucky established schools that met the demands for instruction in the essential branches of education as they were then understood—reading, writing and arithmetic as far as the "Rule of Three;" later, English grammar according to Lindley Murray, was introduced, but "grammar" was for many years treated as one of the optional studies, being considered rather ornamental than useful.

My teachers, Isaiah Boone, a relative or descendant of the famous Daniel Boone, and Hezekiah Woodward, a professional teacher, were competent instructors and used the rod of good sound hazel or hickory with great energy. I received my fair share of instruction and punishment and do not distinctly recollect when I could not read.

Mr. Boone was a Baptist preacher and allowed no profane amusements in connection with his school, but one

of Mr. Woodward's schools was closed by a "barbecue." The dancing was under what was called an "arbor;" the meats were cooked in the "barbecue" style still practiced in some parts of Illinois; bread was provided by the families interested, and a "still-house" near by furnished corn whisky for the occasion. I was then some ten years of age, but from that time until we removed to Illinois, in 1831, our manner of life was uniform.

Other children were born until there were seven sons and one daughter who, with the exception of myself, were brought by my father to Illinois.

The time of our residence in Christian county, from 1819 to 1831, was filled with important political and social discussions and changes. I have a very distinct recollection of the great contest between what was known as the "old and new court" parties, which commenced by certain rulings of the Court of Appeals (Supreme Court) of the state.

The lands in Kentucky were generally held under titles derived from Virginia, of which Kentucky had been a part; the negligence of the land officers, and the careless manner in which surveys had been made, led to a confusion of boundaries in Kentucky, and involved the titles to land in hopeless uncertainty; the courts were crowded with suits which involved conflicting surveys, or imperfect transfers, and other questions of like character to the ruin of hundreds who had bought lands in good faith and made improvements upon them.

The legislature of the state, in order to relieve the unfortunate settlers, passed laws for the protection of occupying claimants, which, had they been enforced by the courts, would have made the recovery of lands against occupants practically impossible; at the same time the people were poor and in debt.

The legislature, in its effort to relieve them, had created banks, and attempted to make their paper issues a practical tender in the payment of debts. The method

of relief was by what were known as "replevin laws;" these laws gave to the debtor, after the tender of payment in bank paper, the right to stay of execution upon judgments on a tender of bond and security.

The exact details of the methods provided by the statutes, by which the stay of execution was intended to be secured, are not important, for whatever they were the Court of Appeals (which consisted of John Boyle, chief-justice, William Owsley and Benjamin Mills, associate justices) held them to be unconstitutional, and upon that ground refused to enforce them. In 1824, an attempt was made by the legislature to remove the chief-justice and his associates by an address to the governor, but in order to remove them the concurrence of two-thirds of the members of each branch of the legislature was necessary. The requisite "two-thirds" could not be obtained to the address, so the expedient was adopted of repealing the law creating the court, and in that way get rid of the judges.

The repealing bill also provided for the appointment of other judges of the court, the governor approved the repealing act, and appointed other judges, who it was expected would support the validity of the "relief laws" and other laws of like character; but Chief-Justice Boyle and his associates, Owsley and Mills, refused to recognize the validity of the repealing act, or to surrender their records to the "new court;" the state had for a time two "Courts of Appeals," and the people were divided into parties which with great heat supported the rival tribunals.

My father was a "new court" man, but Mr. Clay, who was then strong in the confidence of the people of Kentucky and most of the conservative men of the state, supported the "old court," and after a contest, characterized by great excitement, the "new court" party was defeated. A majority of the legislature was elected favorable to the old court; this legislature repealed the law under which the new court was created. I have no

doubt now but that the new court party was wrong, but the names of Boyle, Owsley and Mills, sometimes sarcastically called the "three kings," were for a long time odious to me.

I have mentioned the name of Mr. Clay in connection with the "old and new" court controversy as supporting the "old" court; I think that fact made the "new" court party his enemies, for I remember in 1824, when the candidates for the presidency were Adams and Jackson, Crawford and Clay, my father, and his "new court" friends, supported Jackson.

I can now remember a political song, which I then read in a newspaper taken by my father, which commenced :

" Republicans, cheer the hickory tree,
In time of war it sheltered thee."

I recall but these two lines of the song, which was sung to some familiar hymn tune, but I remember a whole verse of another, which we sang to the tune of "Auld Lang Syne :"

" Ladies, you are much mistaken,
And can I tell you why,
For General Jackson will be elected,
And Clay will surely die!"

General Jackson was not elected, however, but it was then one of the articles of my belief that he was defeated by some "bargain and intrigue," to which Mr. Clay was a party.

Of course, these impressions have long since passed away, but thousands no doubt believed that charge against Mr. Clay upon no better evidence than I had.

I remember the presidential contest of 1828 with more distinctness. General Jackson and Mr. John Quincy Adams were the opposing candidates. Mr. Clay's great influence kept Kentucky steady, but by that time General Jackson's popularity was greatly increased, and his supporters were more numerous and

bold than in 1824, though our neighborhood was overwhelmingly for Adams.

I remember that my father and a friend left our house on the morning of election day to go to Hopkinsville, the county seat, where, I believe, all the votes cast in the county were received; my father and his friend each carried a hickory bush as a sign of his faith.

In the meantime, other subjects began to excite public attention. In 1829 or 1830, the neighborhood was greatly excited over what was called a "rising" of the negroes.

Of course, there were no just grounds for apprehension, but there were many credulous persons ready to believe such things, and weak and foolish negroes would make confessions that, though they carried falsehood on their faces, were thought to justify cruel persecutions.

At the time to which I refer, the alarmed state of the public mind led the proper authorities to appoint "patrols," called by the negroes "patter-rollers." The patrols of our neighborhood were idle, reckless young men, in most instances the sons of respectable farmers, but some of them were the overseers of wealthy men, who had a large number of slaves.

The patrols would enter any kitchen or house occupied by negroes without ceremony, and if any visiting negro was found without a "pass" signed by the master of the slave, or by some other person by his authority, he or she was at once whipped by the patrol, very much at their discretion.

Saturday night was usually chosen by the patrol for their visitations, for that evening was commonly selected by the negro men for their visits to their wives and female acquaintances.

A negro woman at our house had for her husband a very trustworthy, quiet man named Abram, who belonged to a neighbor. One Saturday evening Abram came as usual to visit his wife, America, and about nine

o'clock the patrol surrounded the house, to which the kitchen was attached, and prepared at once to force open the door leading into the room where the man and his wife had retired for the night.

My father met them, there were two or three of the patrol, and objected to their entry upon his premises, of which he claimed exclusive control. I only remember that he was firm and they were overbearing and insulting, the more so as he was understood to be opposed to the institution of slavery.

They did not enter the kitchen, but left, threatening my father with the law as well as personal chastisement; he made no reply to their threats other than to defy them; I had never before seen him so moved. The next morning he declared he would no longer remain in a state where scenes like those that occurred the night before were possible, and he announced his determination to leave Kentucky and remove to the free State of Illinois.

This announcement startled us, for we had no idea of a state of society where negroes, if there were any, were not slaves; our mother, as we inferred from what she said in her efforts to dissuade father from his purpose, entertained more serious apprehensions than we did of what she imagined to be the "social conditions" of a "free state."

Father soon captured the imaginations of his boys; he told us of the prairies, of lands so cheap that we could all be landholders, where men were all equal; this consideration appealed to us strongly, for we already knew of the superior social standing of our wealthy neighbors.

We began to look forward to the time of our removal to Illinois with impatience, but with all that my father could do, he did not complete his arrangements for leaving Kentucky until April, 1831, when the family started for Illinois, and left me with my aged grandparents, to

follow the next fall with the husband of my mother's sister, who was not then ready to go.

The difficulty with the patrol had, no doubt, injured my father's standing in the neighborhood, especially with some of the extensive slaveholders, and what may seem strange, his views upon temperance were singular and very unpopular, even with the members of the church to which he was attached.

I remember the appearance in Southern Kentucky of a volume of discourses by the Reverend Lyman Beecher, then of Connecticut, directed against the use of intoxicating liquors, used as a beverage, but I am not able to fix the exact date of their introduction into our neighborhood.

These discourses produced a sensation that can now scarcely be understood. At that time the use of whisky was general. I remember to have attended a church meeting and Sunday preaching at the house of Captain Radford, a wealthy neighbor, where, after religious services were concluded two or three negroes entered with "waiters" upon each of which there were a dozen or more glasses well filled with whisky "toddy."

These were passed first to the preacher and the older brethren, and then to the others, and none failed to take a share of the contents of the glasses. Almost every one kept whisky, which was made in abundance in the neighborhood, and it was a point of hospitality to offer it to every visitor.

We had two good neighbors who never forgot boys, or negroes, in the dispensation of their hospitality; and to be niggardly in this respect was degrading. I remember at a muster once to have heard a local poet sing of a well-known and stingy neighbor:

"—— is a mean man,
And everybody knows it;
He keeps good whisky in his house,
But never says, here goes it."

This expressed the popular sentiment of the man who was wanting in the essential characteristics of hospitality.

My father and Mr. William T. Major, a neighbor and friend, became convinced about the same time of the evil effects of intoxicating liquor, and my father I know ceased to use or offer it to others.

This was the subject of much remark, and perhaps added to the feelings of dislike with which some regarded him on account of his views on the subject of slavery. At all events he sold his land, and in 1831 came to Illinois and settled in Madison county, north of Edwardsville on Paddock's prairie, and about ten miles east of Alton, where he entered, I think, two hundred and forty acres of land, built a log house, and in the fall of that year I followed the family to Illinois. Those who know Illinois now can have no idea of the Illinois in 1831.

After passing Hopkinsville, the seat of justice of Christian county, Kentucky, we took the route from that place by way of Princeton, in Caldwell county to Ford's ferry, on the Ohio river, and thence after crossing the river by Equality, Mt. Vernon and Carlyle to Edwardsville. This road which was then as far as Carlyle, the great route from Southern Kentucky, Middle Tennessee and North Carolina to Central Illinois and Missouri, was crowded with "movers" who were making their way by all the then known methods of travel, from the handsome family carriage to the humblest ox-cart. Many families traveled on foot with a pack-horse to carry their heavier movables or for the transportation of the smaller children.

Such modes of travel are never noticed now to any extent, the railroads of modern life make scenes such as are described impossible.

After passing along the road, which still runs some three miles west of McLeansboro in Hamilton county, for a few miles, we came to Moore's prairie, the first we

had ever seen, and as we advanced towards Edwardsville they grew more extensive.

The prairies then were scarcely marked by improvements except very near the timber borders, for the early settlers dared not go out on the prairies; many persons told us that the prairies would never be settled, and for years I believed that prairie land more than two or three miles from the timber was practically valueless.

But the prairie in its natural state was indeed "a thing of beauty." Sometimes we would travel miles without seeing a habitation, or if houses could be discerned, they would be situated at points of timber at a greater or less distance from the roads; deer would be seen in herds as if they had not learned to be startled by human presence.

Nothing was more animating than the scenes we witnessed as we journeyed over these long stretches.

Perhaps the imagination had much to do in finding objects of interest on the prairies, but to me they were enchanting; and after years of familiarity with the magnificent undulating acres of the great prairies of Illinois and other western and northwestern states, now that they are all inhabited, dotted with cities, towns, villages and highly-cultivated farms, they linger in my memory like a grand restful dream.

CHAPTER II.

Character of the people of Illinois—Black Hawk War—General Semple—
Death of my Mother—My Father “gives me my time”—I leave
home—Enter Shurtleff College—Brother Elihu—Arrested for debt—
Voting in Illinois in 1836.

After reaching my father's house in Illinois in September, 1831, I found myself amongst a people altogether unlike those I had left in Kentucky ; many of them were natives of that state, but they were changed ; they were interested in subjects that were new to me.

Of course, the entry of land, the improvements upon public lands, the breaking up of the prairie and matters of that kind were oftenest the subject of conversation, but many of the older men had been rangers and had fought the Indians and defended their homes from strolling bands of savages long after they had troubled any part of Kentucky ; and religious controversies raged in every neighborhood to an extent that seemed to me to be absolutely unaccountable.

The Indian disturbances which commenced in 1831, furnished some relief from the eternal babble of the despotic leaders, and the Black Hawk war, in 1832, found employment for many of the old Indian fighters in the field, and subjects of interest to those who remained at home.

The Black Hawk war interested me very much, and once seemed likely to influence my life. Before I came to Illinois, my father had made the acquaintance of General James Semple, who was a leading lawyer and politician, and of magnificent proportions and presence. He was amiable and kind to me, and in the spring of 1832, when about to start north to join the command to which he was attached, he offered to furnish me a horse

and such equipments as I would need, and take me with him on the campaign.

I was then fifteen years old, and was delighted with the offer which I accepted, subject to the approval of my father. I did not doubt but that he would consent, and hastened home to report to him my opportunity, but he refused to allow me to go; it was my first great disappointment, I bore it in silence when in my father's presence, for he held with Solomon on the use of the rod in family government.

I did not go to the Black Hawk war, but I cherished very kind and respectful feelings for General Semple as long as he lived.

My mother died on July 19, 1832; she was a wife and mother of the old type; she spun and wove and made the clothing for herself, husband and seven children, six of them boys—for there was no ready-made clothing in that day.

I remember that when a boy I filled "quills" for her, and the "loom" and the "shuttle" were familiar to her. I don't know how she did it, but she always kept her children well clothed and clean.

She was reluctant to come to Illinois, and died two years after we came into the state from an attack of bilious fever.

She filled the description given by Solomon of a good wife: "She looketh well to the ways of her household, and eateth not the bread of idleness; her children rise up and call her blessed; her husband also, and he praiseth her."

The period to which I refer was one of great prosperity in Illinois; lands were entered at one dollar and twenty-five cents per acre; population poured into the state, and employment was abundant on every hand. I remember that one winter with a younger brother, I cut saw-logs on government land, and by that means earned forty-eight dollars; my father added the balance needed, two dollars, and the amount of expenses at the land office,

and I entered forty acres of land in my own name, which, after attaining my majority, I conveyed to my father.

The next spring and early summer I drove a prairie team, four yoke of oxen attached to a twenty-four inch plow, at eight dollars per month. I worked at home when needed, and finally, in the summer of 1834, my father "gave me my time."

This expression may have an amusing sound to the boys of this day, who will hardly consent to give their fathers their time.

One evening while my father and self and younger brothers were discussing the subject of education and matters of that kind, my father said to me in reply to some expression of a wish to obtain a good education, "Very well, sir, you owe me four years' service yet, I will give you that; go and get an education."

I looked at him with an expression of surprise, no doubt, and asked in an excited, trembling voice, "When may I go, sir?" He seemed amused, and said, "To-morrow morning, if you like." I remember that I left the room to conceal my excitement; after recovering my composure, I returned to the room where my father was seated, and sat for some time in silence, when he said, with signs of emotion, "I have no money to expend for your education, but a healthy boy as you are needs no help; you may go to-morrow morning; I give you your time. Don't disgrace me; may God bless you!"

This scene still lingers in my memory. I had looked forward to the independence of manhood with the eagerness of hope; I had reveled in dreams of results to be accomplished; I had imagined myself a successful farmer or lawyer or a soldier, successful in every employment. I meant, when I "got to be a man," to be rich, learned and happy; my brothers were also to be happy and successful—and even then there would come into the picture a girlish face that was to share in the successes that I imagined were to attend my entry upon the sphere of manhood. Here was an offer made by my

father to anticipate the day of my anticipation, to "give me my time." I accepted his offer, and as he had said it, I knew he would not mention it again.

That evening I talked to "Roy" and "Frank," my brothers, who seemed as much elated with the prospect before me as I was.

Next morning, after an early breakfast, I left home on foot without money or clothes; both seemed unnecessary, for was I not going out into the world a free man, where clothes and money were abundant, and to be had by anyone who would earn them?

The boys started with me, and they called the dogs, three of them, our constant companions; they were to go with me to the top of the hill, a mile probably from the house. We had crossed Indian creek, when the dogs started a rabbit; the boys started to follow; I called them back. We waited for the dogs and then moved on.

My father was not at the house when I left, but he too had followed to a bluff we had passed, and from that point watched us. I did not then know why he stood watching, but I know now!

When we reached the top of the hill, reluctant to separate, Roy said he "knew where he could start a rabbit on his way home." He called the dogs, and, without saying a word to me, ran off at his utmost speed, followed by Frank and the dogs, and I was left alone with my newly-acquired fortune—"my time"—with all of its hopes and possibilities.

The boys ran until out of sight. I understood the reason why they ran very well, and would have been very glad to follow and overtake them, but my destination was Upper Alton, where there was a school recently established. It was understood to be a "manual labor school," and it was my purpose to enter that institution and pay my expenses by my labor.

I reached Upper Alton about one o'clock in the afternoon, and had made up my mind before arriving there

that it would be necessary at once to find work. I had no doubt but that I could do so without difficulty. I needed no dinner—my dreams were more than food—but as I passed along the principal street soon after entering the town, I saw a man named Haney plastering a new frame house for Mr. George Haskell, and turned off to where he was superintending or making a bed of mortar. I asked him if he “wished to hire some one to make and carry mortar?” He said he did. I had never made mortar for a plasterer. He put a shovel into my hand and told me how to manage the sand, the lime and other ingredients, watched me work awhile, offered me seventy-five cents a day, told me where I could get board at one dollar and a quarter per week; agreed to be responsible for me, and I worked that afternoon and continued to work until the job was done. I do not remember the exact number of days this required, but I do remember that when I was paid and had settled my board, bought a shirt and a pair of socks, I had all of five dollars left, which was, as I thought, clothes and money enough for anybody.

I then entered the college, and for awhile paid my board by my earnings on Saturdays. I also, with my elder brother, Elihu, took a contract to remove the trees from a street leading from Upper Alton to Middletown. The trees were large white oaks. We grubbed them up and were well paid for doing so.

My brother, who was three years older than I, was a remarkable man even then. He was athletic, industrious and possessed a natural mechanical skill which was surprising. His capacity for the acquisition of languages was so great that it seemed as if he knew them by intuition. While I was plodding along in primary Latin, he surprised me, keeping up his Greek studies and at the same time dipped into German.

He was an excellent musician, familiar with the science of music, and afterwards became an acceptable preacher; indeed, he was, while we were at school, preparing him-

self for the ministry. On the other hand, he was as guileless and simple as a child.

He was without ambition, and had no fondness for the acquisition of property. He was very profoundly sincere in his opinions upon all subjects; he was earnest in doctrinal belief, hated human slavery, and all forms of oppression, with an intensity that almost amounted to fanaticism. He lacked but ambition and selfishness to have made him eminent; he labored while he lived more for others than for himself.

I remained at school, in a desultory sort of way, until the spring of 1836, when the country was filled with rumors of the "Texas revolution," as it was called. My failure to carry out my intention to unite with the volunteers organized at St. Louis to join the "Revolutionists" was caused by an incident that seems now very ludicrous, but was at the time a crushing blow. I had volunteered, and my arrangements were made to join a few friends at Alton, take the boat which it was expected would take us to St. Louis, where another boat was waiting to start for New Orleans on our arrival.

I spent the night before the morning fixed for my departure at my uncle's, two miles east of Upper Alton. I took leave of my relatives, and left the house filled with anticipations of the battlefield in Texas, and started on foot with a small pack of clothing to reach the boat, then off for the field of glory!

I had gone a mile perhaps after leaving Upper Alton, when I was overtaken by Mr. John Maxey, whom I knew to be a constable of Upper Alton. He spoke to me kindly, inquired where I was going, and I told him to Lower Alton to take a boat for St. Louis, and from there to Texas to take part in the revolution. He handed me a paper, and said: "Here is something you have forgotten!"

To my astonishment the paper read: "The people of the State of Illinois, Madison county, to any constable of said county, greeting: We command you to take the

body of John M. Palmer, if he be found in your county, and bring him forthwith before me, to answer the complaint of," etc. I had never seen such a paper before; it commanded the constable to arrest me, and take me before the justice of the peace.

The constable told me I could discharge myself by paying to him four dollars and a half, and about one dollar and twenty-five cents cost. I assured him that I had not forgotten the debt, but had arranged with my cousin, Isaac Palmer, to pay it for me. He said that might be "all right," but he must have the money or I must go back.

Unfortunately, my whole stock of money did not exceed two dollars, so I went back, humiliated beyond measure. I arranged the matter during the day, but to get the money I had to promise to go to work.

The steamboat lost a passenger, and the cause of Texas an enthusiastic supporter. I then went to work again, did not at once return to school, but paid the money I had borrowed; and then in the May following occurred one of those incidents which so much resembles fiction that I cannot forbear relating it.

Many persons now living remember Mr. Enoch Moore, of Springfield, whose remarkable form had so often attracted attention. In 1836, he kept a tailor's shop in Upper Alton. One day, I stepped into his shop, and saw hanging up a suit of clothes, the coat and pants were of some cotton goods which I cannot describe, and the vest was figured like calico.

Mr. Moore saw that I needed clothes, and that I looked at the suit with interest. He told me that he had made it for a person who had failed to take it, and offered it to me for twelve dollars.

I had no money, and told him so. He asked me my name, and when I told him he said he knew my father, and added that he thought I could earn the money and pay for the clothes. I finally, with great hesitation,

agreed to take them, and for the first time contracted a debt deliberately.

I have told the story of my arrest, which I supposed was applicable to all debts.

During May and early June I paid most of the amount, and on the evening of July 3d, I went to my father's house with more than enough to pay the balance due Mr. Moore. My father, who saw the amount of money I had, and which "the boys" were counting with great satisfaction, said, "Go to-morrow and pay Mr. Moore, and then you will be a free man, but now you are a servant." On the next day, accompanied by my brother Roy, I went to Upper Alton, on foot, paid Mr. Moore, and had money left; went on to Lower Alton, spent freely (twenty-five cents) on cake and spruce beer (of the old kind), and reached my father's house about sun-down, a proud and happy boy.

In 1869, after I was inaugurated governor, I reminded Mr. Moore of the fact that he had sold me the clothes on credit, and reappointed him secretary of the governor, *ex officio* fund commissioner, which he had held before, to which office a salary of fifteen hundred dollars a year was attached.

In August, 1836, I was living in the south part of Macoupin county and attended house raisings, and other amusements of like kind, and witnessed and had opportunities for familiarizing myself with the habits of the people, which were to me always interesting and amusing.

The elections were then held on the first Monday in August, and although a voter, I attended an election held at the house of a Mr. Wood, south of where Woodburn now is.

There were three judges and two clerks of election, and the method of voting was *viva voce*. One of the qualifications required of a voter was residence in the state for six months previous to an election. I remember that a man named Hoskins, whom I had not seen be-

fore, offered to vote, and when asked how long he had lived in the state, said he came here in the month of April previous,

The senior judge, after telling him he had not been in the state long enough, hesitated a moment, then asked if he had "had the chills." He answered, "Yes; I had one yesterday, and feel one coming on me now." The judge said, "put him down, and let him go home, the chills is as good as a six month's residence!" His vote was recorded.

It may be well enough to say, by way of apology for the judges, that there was a large bottle of whisky on the table, of which they had partaken liberally. Accepting the rule adopted by the judges, I supposed for several years that "having the chills" was equivalent to a six month's residence in the state.

In September, I returned to Upper Alton, where I spent most of the winter in school, working in payment of my board, in the family of the Rev. Ebenezer Rodgers, a Baptist preacher who had lately come into the state from Missouri.

Mr. Rodgers was an Englishman by birth, and the father of my friend Colonel Andrew Fuller Rodgers, formerly of the 80th Illinois Infantry.

CHAPTER III.

Engaged in selling clocks—Mob in Griggsville—First meeting with Stephen A. Douglas and John T. Stuart—Journey to St. Louis—Arrival at Carlinville.

In May, 1837, I formed the acquaintance of Mr. C. N. Henderson of New Hartford, Conn., who was largely engaged in the business of selling clocks, and had arrangements for showing them easily. Four men who during the winter before boarded in the house I did were engaged in the practical business of peddling the clocks. The methods of the business were that a license would be taken out by him in some one county for the term of three months, which cost him fifty dollars, and then he put as many men and teams into the county as were sufficient to visit and canvass all parts of the county for the sale of brass and wooden clocks.

After engaging with Mr. Henderson, I with three other employes and all of the wagons left Upper Alton by way of Waverly and Springfield, passed Petersburg and Ross' ferry (now Havana) and reached Lewistown in Fulton county, where we operated for three months. It is difficult to imagine a more delightful life than I led while engaged in this business.

The country was new and sparsely settled, the people were immigrants into the state, they were simple in their habits and hospitable to a degree that cannot be imagined by the people of the present day.

Business was reasonably good, and everything indicated life and thrift in all the counties we visited. My first three months were spent in Fulton county, from that to Pike, where I made some valuable friends; thence to Greene, and after that to Hancock, I was at Griggsville, Pike county, in October, 1837. One day when I was absent from the town, I came into my board-

ing house after dark. Soon after a number of persons came into the public room, and I learned that during the evening a stranger had lectured upon the subject of slavery and had asked his audience to sign a petition to congress to prohibit the slave trade between the states and to abolish slavery in the District of Columbia.

I would probably have signed the petition if I had been present at the meeting, but as it was I listened to a very sharp discussion between James A. McDougall, afterwards attorney-general of the State of Illinois and senator from California, and a lawyer named John P. Jordan, both of whom lived in Griggsville; one of them had come into the state from New York and the other from Virginia.

Mr. McDougall insisted upon the right of every citizen to petition congress to abolish slavery in the District of Columbia, and to prohibit the interstate slave trade, while Jordan argued that as congress had no right to do either, no citizen had a right to petition that either should be done. I went to bed leaving them in the midst of the dispute; I slept late, but when I came from my room I saw that the street in front of the hotel was crowded with people, and across the street a number of persons were kicking at and striking a man by the name of Trumbull, and was then told that several men had followed the stranger who had lectured the night before, pulled him off his horse and had taken his petition from him, and were then pursuing every man who had signed it to compel him to take his name off the paper.

I left the town soon after in pursuit of my business, returned in the afternoon about four o'clock, found the streets full of people, and learned that they had driven Mr. Ozias M. Hatch, afterwards secretary of the State of Illinois, into the belfry of the Baptist Church, in which he took refuge to avoid the mob, and that they were still in pursuit of others who had signed the petition. I was on the street but a short time when a man named Pollock came running pursued by a mob; I

hated mobs then as I do now, but at the time I only insisted that Pollock should have what was then called a "fair fight." I had in my pocket a steel-barrel rifled pistol, I offered it to him, but to the honor of the crowd my idea of a "fair fight," "man to man," was accepted, and the affair ended for the moment, to be revived upon the appearance of some other obnoxious person.

The town was under the control of the mob several days. Lovejoy was killed on November 7th following, which greatly added to the excitement. The local authorities were, as usual, overawed by the mob spirit, and did nothing to preserve the public peace.

In Hancock county, I met for the first time Stephen A. Douglas. One night, after Mr. Sands N. Breed, who was employed with me, and I had retired (we occupied separate beds in the same room), the landlord, Mr. Swope, came to our room, accompanied by two gentlemen, who were introduced to us as "Mr. Stuart and Mr. Douglas, opposing candidates for Congress." The landlord called us by name, and informed us that we would have to occupy the same bed. Douglas then asked our politics, and Mr. Breed told him that he was a Whig, and that I was a Democrat. Douglas replied, "I will sleep with the Democrat, and Stuart may sleep with the Whig." The arrangement suited all parties. I heard Douglas speak next day, and though not quite twenty-one years old voted for him on the first Monday in August following. He had no more devoted adherent than myself until we separated in 1854 over the Nebraska bill.

From Hancock we went to Knox county, and remained there until Mr. Henderson closed out his business in Illinois, and returned to Connecticut.

We made our headquarters in Fulton county, and about December 1, 1838, I took a school for three months, which closed about March 1, 1839, when I determined to visit my father, who lived in Madison county, and my eldest brother, who was married and lived in Car-

linville, as pastor of the Baptist Church. I took passage at Utica for St. Louis on the famous steamboat then well known on the Illinois river as the "Ark."

This was my first experience in river travel, and I was impressed by the novelty of the trip and the magnificence of the boat, as it appeared to me then ; but my subsequent observation taught me that it was a miserable "tub," as compared with other boats upon the river.

We spent two nights, and the whole of one and part of another day, and reached St. Louis the third day. I went to the "Green Tree Tavern," as it was then described ; I spent the night and next morning there, started on foot, and reached Edwardsville after a walk of some twenty miles, spent the night there, and next morning went to my father's house on Paddock's Prairie, arriving there after a further walk of eight miles, carrying my belongings with me. On March 26, 1839, I arrived at Carlinville, Macoupin county, where I afterwards spent so many years of my life, and formed many valuable and enduring friendships and entered into relations of the most interesting and affecting character.

It was then a place of about four hundred inhabitants, and was a rough specimen of an Illinois town. I reached Carlinville on a Saturday about noon ; my brother, Rev. Elihu J. Palmer (whom I have mentioned) had married a year or two before Miss Eliza Gordon, of Edwardsville. He lived in Carlinville, and had charge of the Baptist Church at that place. He was poor, and so was his congregation, but his and their wants were few and simple. My own capital was entirely satisfactory to me ; I had twelve dollars in money, a *few* extra clothes, a rifle gun, which I had left in Fulton county, and a silver watch, which was of uncertain value. When I left my father in Madison county, I intended to go to Bloomington. I knew that many of my father's old friends and neighbors of his in Kentucky had settled in McLean and Tazewell counties, and I promised myself that I would be able to make up a school amongst them.

and continue my law studies. My brother was not at home when I reached Carlinville, having gone some days before to attend a religious meeting at a distance. He returned, however, on Monday afternoon, and persuaded me that Carlinville had advantages for me that I could find at no other place. He proposed that I should make my home with him, assist in the necessary work, which included the chopping of firewood where it grew, assist in hauling it to the house, which we did generally with a borrowed team, and cutting it into lengths for the fire-place.

I accepted his offer, and we lived very happily until in the fall of that year he removed from the town. After my brother moved away, I got excellent board at one dollar and twenty-five cents per week, washing included. The washing involved no great labor, for two extra shirts, made of what we called "domestic," with collars of the same material as a part of the garment, left the laundry labor very light.

CHAPTER IV.

Read law with Mr. Greathouse—Candidate for county clerk—Admitted to the bar—Public men of the day—First case in the Circuit Court—Kindness of Judge Breese—Methods of study.

I entered the office of Mr. John S. Greathouse, who was one of the leading lawyers of the town, and "Coke on Littleton," with Hargrave and Butler notes, were placed in my hands for a beginning of my studies. I had read Blackstone's Commentaries much as every student reads that excellent and learned work the first time. It will be interesting to students of the present day, when law books are so multiplied, that general treatises on every subject are to be found in the book-stores, as special works on all important subdivisions of the law, and federal, state and English reports are found in law libraries by the thousand, that the reports of the Supreme Court of Illinois at that time were contained in one volume, "Breese."

My preceptor, Mr. Greathouse, who was a well-read lawyer, had in his office a few volumes of English reports, Coke, Raymond, Buller's Nisi Prius, Starkey and McNally on Evidence and Chitty's Pleadings, then a comparatively new work; the copy I used as a student I have now. It descended to Tevis Greathouse on the death of his father, Mr. John S. Greathouse, and was bought at the sale of his property by Judge Jacob Fouke, and presented by him to me. I have a few of these old books still, but some of the most ancient and rare have fallen into the hands of the "filchers" of rare books, who have always looted careless collectors. It may be useful to students to state for their benefit my methods of study.

I read carefully, with a glossary of law terms, and made full notes. I did not in my notes, as a rule,

merely quote the language of the authors I read, but my effort was to grasp the subject and state it in my own language; my conception of the meaning of what I read was often inaccurate, but I think on the whole the method I adopted was preferable to any other. It promoted brevity and terseness, and aided systematizing the knowledge acquired; and I think my experience justifies me in saying that knowledge of the law, acquired by this method, is much longer retained and more easily and intelligently applied to practical use, than it can be when the student merely masters words of his author or instructor. I may add here, for I will probably not return to the subject, that it is essential to a successful study of the law that the student should master the history of the people with whom laws originate. Laws are but expressions of the feelings, habits and necessities of mankind, and can only be understood by a thorough familiarity with their history, and of their applications and uses. I read English history and Reeves' History of the English Law with great profit.

I was aided in my studies by that great promoter of diligence, poverty. I was compelled to earn something, and as there were some sales of land, and the volumes of the records were few, I examined titles and prepared deeds, and soon found some employment before justices of the peace.

It was not long before I found myself able to meet my expenses which, with board at one dollar and a quarter a week, did not exceed \$100 a year. The only interruption of my studies was, that my political friends insisted that I should become a candidate for county clerk, in opposition to John A. Chestnut, Esq., of this city (Springfield), now deceased, and who has been my personal friend for more than fifty years.

Mr. Chestnut was then the clerk, and a candidate for re-election. He was well qualified for the discharge of the duties of the office, and was deservedly popular. He was a Whig, and I know that the leaders of my

party, when they insisted upon my candidacy in 1839, had no expectation of my success, but they desired to find employment for Mr. Chestnut, and preserve the party organization.

The election was then held on the first Monday in August; we commenced the canvass in May; I had no money and needed none, for the candidates were welcomed to the hospitalities of the people.

I borrowed a young and partially "broke" horse, and rode over the country from house to house.

Public meetings were held in the few villages in the county, and all the candidates were expected to make "speeches," and sometimes a popular party leader, who was not then a candidate for office, would address the people.

The apology for the appearance of non-candidates before the people was the necessity for defending themselves from some personal charge or charges, though it was generally supposed the real object was to rally the parties.

I remember that a meeting at Stanton, one of the villages in the county which was called to hear the candidates, was addressed by General John Harris, who was a brigadier-general in the state militia, and had been sheriff, was then a representative and afterwards a state senator.

He apologized for speaking by saying the Whigs had invented and were circulating a charge against him that he had "stolen a house;" he explained the transaction from which the charge had originated, read certificates from men in his neighborhood to support his explanation, and was fully acquitted in the judgment of his friends.

He was followed by the candidates according to some theory of the relative dignity of the office to which they aspired. I made a speech, defended myself against some charges which were made against me—I have forgotten what they were—and Mr. Chestnut, who was an

agreeable, fluent speaker, edified the people. There were charges against him, too, I think. He defended himself successfully as it seemed to me.

When the election came off, he defeated me about one hundred and twenty majority, but the other Democratic candidates were elected.

My canvass made me acquainted over the county, and at the same time I acquired many sincere and useful friends.

I pursued my studies with great industry, and made some progress in the acquisition of the knowledge of the mysteries of the law, so that, in December, 1839, I borrowed five dollars from a friend to pay my expenses, and as Mr. Greathouse was going to Springfield in his own carriage, he invited me to ride with him, which I did.

We started late in the day, and reached Auburn, a mile or two west of the present town of Auburn, which is on the railroad, and stayed at a public house kept by a Mr. Eastman, father of the late Mr. Asa Eastman, of this city. I remember that my share of the night's expenses was twenty-five cents, and the bill of Mr. Greathouse, for himself and horse, was fifty cents. We reached Springfield about noon the next day, and "put up" at the "Globe Hotel," "Inn" or whatever was the title of public houses then. "The Globe" was kept by Colonel Spottswood, who, I soon learned, was a Virginia gentleman of the old school.

I met Mr. Douglas soon after reaching the city; told him my business was to obtain a license to practice law. He, with that cheerful kindness which always characterized him and made him so popular, with young men particularly, made my application for admission; had himself and the late J. Y. Scammon appointed a committee to examine me touching my qualifications to practice law. He invited me to his room for examination, where I met Mr. Scammon.

The committee treated me with great kindness, and

State of Illinois } f

Know all
men by these presents that John
Mc Palmer has having presented
to the undersigned Justices of
the Supreme Court of the State
of Illinois satisfactory evidence
of moral character in conform-
ity with the statute in such
case provided, and having
been under our direction
examined touching his legal
qualifications and found
to be fully competent, Therefore
be it the said John Mc Palmer
has hereby licensed and
authorized to practice as an
attorney and counsellor at
law and solicitor in
chancery in all the Courts of
law and equity in this State
In witness whereof we have
hereunto set our hands this
11th day of December AD 1839

Thomas C. Browne

Geo. W. Smith

State of Illinois
Supreme Court

I certify that John M Palmer this
day appeared before me and took
the several oaths prescribed by Law
as counsellor and attorney at law
and had his name duly entered on
the Record of this court according to
the Statute.

Given under my hand
and the Seal of the said
Supreme Court at Spring-
field this 13th day of De-
cember 1839.

J. M. Duncan ckr
26 M

Attorneys License
to John M Palmer
3
Dec 13th 1839

made a favorable report. Mr. Douglas drew the license and made the motion for admission. The license was signed by two justices of the Supreme Court, Judges Smith and Browne. I took the prescribed oath and signed the roll, and was then a lawyer, lacking nothing but learning, experience and clients! I had money enough to pay my hotel bills before leaving Springfield, and I took "no thought for the morrow."

The legislature was then in session in Springfield, and the city was filled with strangers, including most of the public men in the state. I here saw, for the first time, Lincoln, Baker, Calhoun, Field, Browning and others, who were the party leaders of the day.

In the evening, after my arrival in Springfield, I attended a public meeting held in the Second Presbyterian meeting-house, which was then used by the House of Representatives, and listened to speeches from Alex. P. Field, John Calhoun, then of Springfield, O. H. Browning and Stephen A. Douglas. Field's speech was an eloquent and most bitter arraignment of Theophiles W. Smith, one of the judges of the Supreme Court. Judge Smith had held, in opposition to the other members of the court, that the secretary of state was subject to removal by the governor.

Field was secretary of state, and possessed a marvelous capacity for invectives, which he used unsparingly; Calhoun defended the judge with great dignity and force; Browning took sides with Field, and delivered a most eloquent and attractive argument. He was followed by Douglas with characteristic ability. Discussions of this character were kept up night after night by Lincoln, Isaac P. Walker, then a member of the legislature from Vermillion county and afterwards United States senator for Wisconsin, and others. "There were giants in those days." Not one of these great leaders is now living. Field died in New Orleans; Walker, in Wisconsin; Calhoun, in Kansas.

Mr. Greathouse, who had business before the Supreme

Court, stayed a day or two longer in Springfield, and when he was ready we left Springfield early in the morning and reached Carlinville before night, a distance of thirty-eight miles; the roads were good. The next two or three weeks were to me the most wretched of my life; I had no money, I was in debt for a month's board, I had no business and no prospect of getting any; my landlord was a generous fellow, but was nearly as poor as I was; he was in debt and needed money badly. I still used Mr. Greathouse's office, I had no difficulty in obtaining firewood for the office, for I could cut on congress land and pay half for hauling, but when I went to one of the stores to buy candles, which were twenty-five cents a pound, I was refused credit. After about two weeks of this life I tried a case before a justice of the peace in Carlinville and got a fee of two dollars and a half, I paid two dollars of this to my poor landlord, Allison.

During the first week in January I traveled about twelve miles to the head of Cahokia creek and tried a suit, for which I received five dollars: after paying Allison three dollars of this and fifty cents for the horse, I took courage and started on foot to Edwardsville to attend the circuit court of Madison county, which was then in session; Judge Sidney Breese, afterwards so distinguished in the political and judicial history of the state, presiding. It is thirty-five miles from Carlinville to Edwardsville; I walked the first day from Carlinville to my father's, he lived near the road, ten miles from Edwardsville. I spent the day with my father and the following morning went to Edwardsville, stopped at a public house kept by a man named Wilson with whom I had a friendly acquaintance; I explained to Mr. Wilson that I had no money to pay bills, when without waiting to hear more he told me, with a rough generosity I shall never forget, that I should stay with him as long as I pleased, pay him what I could and if I never could "it didn't made a d—d bit of difference."

It can well be imagined that after this reception I felt at home. I had known Judge Breese when I was a boy, and the first law speech I ever heard was made by him.

He met and remembered me kindly, and soon after assigned me to the defense of a poor fellow who was indicted for larceny; I have often repeated the incidents of this trial and the conduct of Judge Breese toward me, to illustrate the wisdom of judges who treat young members of the bar with kindness.

Any lawyer may easily guess the character of the defense I made for this, my first, client. I had never before appeared in the circuit court; my client was unquestionably guilty, and the jury so found after very brief hesitation. After the jury had found him guilty I remembered that "according to the books," after a verdict against his client, it was the duty of the lawyer to make a motion for a new trial, and if that motion failed then to move in arrest of judgment; accordingly I made a motion for a new trial for the usual formal reasons.

I know I attempted to argue the motion, and although at the time I was so embarrassed by the surroundings that I then scarcely understood what I said, I was satisfied soon afterwards when I heard from the judge that I made a most learned and forcible argument.

When I had concluded my speech, whatever it was, I was confused enough, but when Mr. Kitchell, the then attorney-general, finished his caustic and almost contemptuous reply, I was overwhelmed with confusion.

The judge, however, rescued me; he noticed the reasons I had assigned in writing for a new trial in succession, and said that the learned counsel had supported these reasons with great force of argument.

He stated what he said were the arguments I had used, confessed he was impressed with their force, and then proceeded to answer them with great deliberation, and

concluded by saying that the defendant had been ably defended by learned counsel and tried by an intelligent and impartial jury, and that he therefore felt constrained to overrule the motion for a new trial and render a judgment on the verdict.

I did not make a motion in arrest of judgment, but I will confess that, for awhile after the judge had concluded, I believed I had really used the arguments that he attributed to me, and then repeated and answered, and, though I afterwards realized that both the arguments and the answers to them were the work of the judge, he made an impression upon me that still remains, and secured for himself my best personal services as long as he had occasion for them, and he left upon my mind an impression which I still retain—that Sidney Breese was in all respects an ideal judge; and, in view of his inaptness as a politician, I have been inclined to repeat what Dryden says of Shaftesbury:

“In Israel’s courts, ne’er sat an Abeth-din
With more discerning eyes, or hands more clean,
Unbribed, unsought, the wretched to redress,
Swift of despatch, and easy of access.
O, had he been content to serve the crown
With virtues, only proper to the gown;
Or, had the rankness of the soil been freed
From cockle that oppressed the noble seed,
David, for him, his tuneful harp had strung
And Heaven had wanted one immortal song.”

The judge was, for some reasons, a failure as a politician, but his preeminence as a judge has never been disputed.

In the May following my admission to the bar, a term of the circuit court was held in Macoupin county, and I was appointed, in conjunction with Mr. Chestnut, and a lawyer by the name of Fiske, who lived at Hillsboro, to defend Aaron and William Todd, brothers, who were indicted for the murder of their cousin, Larkin Scott.

This murder was so remarkable in its circumstances that it excited the greatest horror in the minds of the

people, who, though not unfamiliar with violence, were shocked at what was manifestly a cold-blooded, deliberate assassination.

The Todds and Scott, their victim, lived in Indiana, and had during the latter part of the winter visited some relatives in Illinois. At the time of the murder they were traveling on foot across the then unsettled prairie, near the head of Sugar creek, along the road from Jacksonville to Hillsboro.

At a point several miles distant from any house, Scott was killed, and an attempt was made to conceal the body, which was found after some days. The men in the neighborhood in which the body was found ascertained, at the house where the parties had spent the night before the murder, the name of the man killed, as well as the name of his companions. They had told the people of the house where they lived and to what point they were traveling. A pursuing party overtook the Todds before they reached their destination; they were brought back to Carlinville and committed to jail. Before the trial, Aaron Todd, the elder of the brothers, confessed the killing, and exonerated William.

The result of the trial was that Aaron was convicted, and afterwards hung; William was acquitted.

It is probable that the brothers killed the poor man to get possession of a few dollars (sixteen, it was said), and that Aaron took upon himself the entire responsibility of the murder in order to shield his brother. Such was his statement after William had been acquitted and hastily left Carlinville, manifesting no further interest in the fate of Aaron.

By this time my business had so increased that it afforded me means of support, according to the simple habits of the times, and I think I may say that, from that time to the present, I have never seen a day when I was without employment. I do not mean to say I have worked every day, but that, if idle, it was not because I had not something to do.

CHAPTER V.

Canvass of 1840—Impressions of Harrison and Van Buren—Disappointment of the Whig party—Scale of legal fees and prices of lands—My marriage in 1842—Lawyers as politicians—Elected probate justice of the peace in 1843.

I have now reached a period at which almost every kind of business was abandoned, and the people gave themselves up to the excitement which attended the memorable political canvass of 1840.

Mr. Van Buren was the Democratic candidate for the presidency, and General William Henry Harrison was the candidate of the Whigs. Mr. Van Buren, elected in 1836 as the favorite of General Jackson, was never popular in the West or South. General Jackson had, by the vigor of his administration, his determined purpose and efforts to crush out the dangerous heresy of nullification given mortal offense to Mr. Calhoun, its author and champion, and his followers.

He had also made enemies of the commercial classes by his overthrow of the bank of the United States. The enemies of Mr. Van Buren, who were also the enemies of General Jackson, pretended to attribute to the advice and management of Mr. Van Buren those acts of General Jackson, of which they complained (commercial distress not attributable to the financial policy of Jackson or Van Buren, but to the wild and unreasonable spirit of speculation), which prevailed all over the country and especially in the West, filled the minds of the people with the most profound and widespread discontent.

General Harrison, too, had considerable military reputation acquired during the then late war in campaigns against the British and the Indians in the Northwest.

These causes enabled the opponents of Mr. Van Buren to unite upon General Harrison, whose amiable personal qualities and negative political character repelled none. No political contest in the history of the country was characterized by more bitterness than that of 1840.

Men of all classes participated in the canvass, while popular partisan orators never distinguished themselves more. The Whig party in Illinois at that time contained many men distinguished for eloquence; among the most eminent were Colonel E. D. Baker, then a resident of Springfield (who afterwards distinguished himself in congress, representing in succession two districts remote from each other in Illinois, and afterwards in California by his matchless funeral oration upon Broderick, and then as senator from Oregon, and who perished at Ball's Bluff, during the civil war, in one of those affairs where his bravery by no means atoned for his want of prudence), Lincoln, Browning and John Hogan, then a Methodist preacher; while Douglas and Breese, Lamborn and Calhoun, their equals, championed the Democracy.

The state elections held in August before the presidential election, then as now held in November, indicated the defeat of Mr. Van Buren, but did not give warning of the total overthrow of the Democratic party which happened in November.

I took part in the canvass for Mr. Van Buren, and believed then, as I do now, that he was a great statesman, devoted to sound principles and eminently patriotic. The election of General Harrison was soon after followed by his death, and the discordant elements, which had united to elect "Tippecanoe and Tyler, too," separated, never again to be reunited—their only bond of union was their opposition to Mr. Van Buren. The political combination which placed Harrison and Tyler upon the same ticket had no common principles, and the accession of Tyler to the presidency destroyed it.

The Whig party proper, which was made up of the

protectionists, supporters of the National Bank, and the remnants of the Federal party (for the sake of success), abandoned Mr. Clay, its true representative and leader, and nominated General Harrison for the presidency on the ground of mere availability. The selection of John Tyler as a candidate for vice-presidency, who was an enemy of protection and the banking system, an ultra states' rights man and admirer and follower of Mr. Calhoun, was the price paid by the Whig party in order to secure the cooperation of the southern leaders.

This became manifest upon the accession of Tyler to the presidency after the death of Harrison. After a violent struggle between the Whig leaders and Tyler, the latter threw himself into the arms of the Nullifiers, called Mr. Calhoun and other men of uncertain political character to his cabinet, and entered upon a line of policy which enabled the Democratic party, by an alliance with the southern leaders to carry the election of 1844, electing James K. Polk to the presidency, and defeating Mr. Clay, under whose leadership the Whigs in that year attempted to rally.

I return from this digression and continue my personal narrative. After the election of 1840, I continued the practice of my profession with great industry, and won a fair share of the very small amount of legal business that reached the courts.

The scale of legal fees charged and collected by lawyers would not be very attractive to the profession of to-day. It is, perhaps, correct to say, that ten dollars would be the full average fee for the trial of a suit in the circuit court, while two dollars and a half, and five dollars, were the amounts usually charged before a justice of the peace. But this mere statement of the rates of professional compensation reflects very little light upon the actual state of the business of the country. Public lands could still be entered at the landoffice at one dollar and twenty-five cents per acre; improved farms that are now worth fifty dollars could then be

bought for five dollars an acre ; the means of sustenance were abundant and cheap ; the habits of the people were simple and inexpensive, so that while the comforts and luxuries of modern life are now more abundant, the people were then far more independent than they are at present.

On the twentieth day of December, 1842, I was married to Miss Malinda Ann Neely, daughter of Mr. James Neely, of Carlinville.

She was born in Kentucky, and was very young at the time of our marriage, but within a few days afterwards we went to housekeeping, neither of us needing any assistance. I had no home for her, but we found a snug, hewed-log house, which I rented for four dollars per month. It stood upon the ground now occupied by the magnificent "Macoupin Court House ;" her mother gave her the "Illinois fortune," a feather bed and its equipments. I had a bureau, which still stands in my home in Springfield, "none the worse for wear," and which I always insisted to her was an equivalent for the bed and its furnishings. A local mechanic made for us a walnut table, and with twenty-five dollars worth of the simple household and kitchen furniture, which was common at that time, a little sugar and coffee, some flour and a ham, I, proud of my new position, the head of the family,

"Felt that swelling of the heart
I ne'er shall feel again."

She was a true and devoted wife and mother, and a sincere Christian.

Ten children were born to us, six of whom survived her. On May 9, 1885, she died of that incurable disease, consumption, and sleeps in our little private cemetery at Carlinville, with the four of our children who preceded her.

When I left home on May 15, 1861, to assume command of the regiment to which I had been elected, she remained with five of our children, all of whom

needed her care, I expected to return within a few months, at most. I was only occasionally at home, but my military service ended by the acceptance of my resignation as Major-General of Volunteers, on September 1, 1866.

She never failed in her duty to our children, while the anxieties she suffered on account of her husband and two of her brothers who were in the army, must be left to the imagination of those who had like experiences. I have never doubted but that the wives of soldiers endured and suffered far more than did the soldiers themselves.

To go back to the period to which I have adverted, it ought to be said that in a new country, as Illinois was then, lawyers from their relations to the people, were more or less necessarily politicians and office seekers. There were then no railroads, telegraphs or telephones, nor "the daily newspaper," which by the railroads is now delivered on the day of its publication, at nearly every postoffice in the state.

It was then the habit of the lawyers to "go on the circuit," and some of them, like Lincoln, would follow the judge and go to all the courts in the circuit, and as all were partisans, the more ready and ambitious of them would on the first day of the term, at the adjournment of the court at noon or in the evening after the adjournment of the court, make a speech either assailing the party opposed to him, or defending his own party, or both. Some orator would reply to him on the next day or evening, and thus the debate was kept up until the close of the term. The terms of the courts at that time lasted but four or five days, and it was easy to find amongst the lawyers in attendance speakers to fill up the time.

The people who attended the courts expected the lawyers to speak, and such speeches afforded the only political information accessible to them. Some of the lawyers were more indebted to their adroitness as po-

litical speakers than to their legal knowledge for their popularity at the bar.

In 1843, I became a candidate for an office, which no longer exists, that of "probate justice of the peace." The office was abolished by the constitution of 1848, which created county courts with similar and more extended jurisdiction. The probate justices of the peace were elected by the legal voters of the whole county for the term of four years; they had probate jurisdiction, and had also the civil and criminal jurisdiction of ordinary justices of the peace. The probate justices were their own clerks, and were paid by fees. I was elected by a large majority of votes. During the canvass, I made speeches, as did my opponent and the candidates for other county offices. I do not remember the topics we discussed, other than that I was charged with abolitionism, and defended myself by proving that I was a contributor to the "American Colonization Society." I kept no account of the fees received from this office, nor of my professional earnings, but they probably amounted to some seven hundred dollars per annum.

Between 1843 and 1849, I bought a house in Carlinville and three lots for \$200. I spent \$100 or more in altering and repairing the house, and purchased textbooks and reports, and in that way provided myself with a respectable law library. I mention the price at which I purchased the house and three lots in Carlinville to justify a statement which I now make that there never was a time in the history of Illinois when the prices of all property, real and personal, were as low as from 1840 to 1848. Pork and beef were worth one and a half and two cents a pound, horses were lower in price than they are now, in this age of electricity, bicycles and horseless carriages, and I remember that soon after my marriage I bought from an acquaintance an excellent cow and her calf, for which I paid ten dollars, and he afterwards boasted that he beat me in the transaction, the average price of such cows as I bought being about eight dol-

lars ; common labor was fifty cents a day, and plows and harrows and other agricultural implements were made by the local mechanics.

I was married on the 20th day of December, 1843, and within a few days thereafter, I was employed to attend a suit before Squire Stewart, who lived fourteen miles north of Carlinville. I hired a horse to ride for fifty cents a day, and appeared before the "squire" for my client.

My defense was usury. When I reached the office of Justice Stewart, I was confronted by a letter to the justice from Major P. H. Winchester, an old lawyer in Carlinville, who had the full confidence of the justice, in which he said, "that as there were no pleadings before justices of the peace, it could not appear by the pleadings that the fact of usury was put in issue, and defendant could not therefore become a witness."

I knew that it would be useless to argue to Justice Stewart that Major Winchester was wrong, but I knew him to be a conscientious, honest man, so I insisted that as the statute gave the defense of usury, a justice, who was bound to give full effect to the statute, ought to dismiss the suit, in order to give the maker of the note an opportunity to plead his defense, and as the plaintiff was alive, to become a witness.

The justice dismissed the suit. I charged my client five dollars, and he asked me if I "would take my fee in cornmeal?"

Being the head of a family, but wholly ignorant of its wants, I told him I would. A few days afterwards, he came to my office, and told me that he "would have brought all the meal he owed me if he had had barrels enough to hold it, but as he had only six barrels he had only brought eighteen bushels." I went to the house, saw the cornmeal, and told my client that I forgave him the balance he owed me.

As my family consisted then of myself and wife only, it may well be guessed that my neighbors profited by the distribution of the meal.

CHAPTER VI.

Elected a delegate to convention of 1847—Constitutional provision in regard to banks—Provisions in regard to negroes—Incident in regard to Revered Albert Hale—Investment of school money—In regard to dueling—Township organization law.

On April 3, 1847, I was elected a delegate to a convention which was called in pursuance on an "Act to provide for the call of a convention to revise the Constitution of the State of Illinois," and the convention was required to meet on the first Monday in June, 1847. The county of Macoupin was democratic, but the people refused to be controlled by mere partisan considerations, but elected Captain James Graham to be my colleague, defeating Benjamin R. Barr, Esq., who was the democratic candidate; Lewis Solomon, senior, was also a candidate for a seat in the convention, and received two hundred and sixty-one votes, defeating Mr. Barr. The convention assembled on June 7, 1847, and organized by the election of Newton Cloud, of Morgan county, president, Henry W. Moore, secretary, and John A. Wilson, sergeant-at-arms.

Being in favor of publicity, I offered a resolution inviting the editors and reporters of the state to seats within the bar, which was adopted, and I was assigned at my own request to the committee on education.

On the 10th day of June, I offered a resolution proposing a scheme for the re-organization of the judicial department of the state government. It was in substance, "that the judicial system of this state shall be composed of a supreme court, circuit courts and such inferior courts as shall be established by law. That the supreme court shall be composed of not less than three nor more than five judges, who shall be appointed by the governor, by and with the advice and consent of the

senate, and shall hold their offices for the term of ten years, and shall receive for their services a compensation not exceeding twelve hundred dollars per annum, and shall be ineligible to any other office for and during the term for which they shall have been elected." "That the state shall be divided into a convenient number of judicial circuits, and in each of these circuits there shall be elected by the legal voters thereof a judge who shall hold his office for the period of ten years, who shall receive for his services the sum of one thousand dollars per annum, and shall be ineligible to any other office for and during the term for which he shall have been elected. Each of which said judges shall appoint a clerk of said court in each of the counties of his circuit, who shall hold his office for and during the term for which said judge shall have been elected."

The resolutions expressed at the time my ideas of the proper organization of the judicial department of the state government, but I am now convinced that popular elections afford the most satisfactory method of filling judicial places. At that time the population of the state was sparse, its means of communication imperfect, and while my scheme proposed the election of circuit judges by the people of the circuits interested, it contemplated an appointment of the judges of the supreme court by the governor, subject to the confirmation by the senate.

On June 14, 1847, Mr. Markley, a delegate from Fulton county, offered a resolution that the "committee on incorporations be and they are hereby instructed to report an amendment to the constitution prohibiting forever within this state the incorporation of any bank, or company for banking purposes, and the manufacture and emission by any company, copartnership, or individual, of any banknote, or other paper, designed to circulate as paper money."

Mr. Pratt moved to amend the resolution offered by

Mr. Markley by striking out all after the word "resolved," and inserting as follows :

"1. There shall be no bank of issue or of discount within this state.

"2. The legislature shall not have power to authorize or incorporate by any general or special law any bank or other institution having banking power, privileges, or to confer upon any corporation, institution, person or persons any banking power or privileges.

"3. It shall not be lawful for any corporation, institution, person or persons within this state, under any pretense or authority, to make or issue any paper money, note, bill, certificate or other evidence of debt intended to circulate as money.

"4. It shall not be lawful for any corporation within this state, under any pretense or authority to exercise the business of receiving deposits of money, making discounts or buying or selling bills of exchange, or to do any other banking business whatever.

"5. No bank, or agency of any bank, or banking institution of the United States, or any other state or territory within or without the United States, shall be established or maintained within this state.

"6. It shall not be lawful to circulate in this state, after the year 1848, any paper money, note, bill, certificate or other evidence of debt whatever, intended to circulate as money, issued without this state, of any denomination less than ten dollars ; after the year of 1850, of any denomination less than twenty dollars.

"7. All payments made, or business transactions done, in paper money in this state, and coming within the meaning of the last section, are declared to be utterly void, and the legislature shall at its first session after the adoption of these amendments, and from time to time thereafter as it may be necessary, enact adequate remedies for the punishment of all violations and evasions of the provisions of the preceding section."

Mr. Laughlin moved to amend the amendment as fol-

lows: "That the legislature of this state shall have no power to incorporate any bank, or banks, or other moneyed institution, without such act of incorporation being first sanctioned by a direct vote of the people of this state."

I was opposed to all banks of issue, and sought, as far as possible, to limit the circulation of bank-bills in this state, hence I favored Mr. Markley's proposition, which was simply to prohibit the creation of banks and the circulation of all bank-notes, and impose the duty upon the legislature of passing laws prohibiting the emission of any paper designed to circulate as money.

The combined propositions of Messrs. Markley and Pratt were never able to command more than fifty-eight votes. In the first instance, the several propositions were referred to the committee on corporations, but the subject constantly recurred during the session of the convention.

On June 24th, I addressed the convention, and said: "I think the friends of the banks ought to come forward with their propositions. . . . We were altogether on the defensive, . . . the question of banks was the most important one that would come before the convention, as it would affect the future interest and prosperity of the state, and it depended upon our resistance to defeat the evils of the system: if we were to be beaten, and the state was to have banks, I would prefer that the friends of these institutions should prepare that system which their wisdom and experience should suggest—if the rights of the people were to be invaded, let it be done by the friends of the system."

In reply to Mr. Thomas, I said: "I am certain that no one dares send to the people a system of banks without many restrictions."

"He stood there upon the side of the people, behind a prohibitory clause in the constitution, and while his party presented a perfectly invulnerable barrier to protect the people from any system of banks or banking, the other party were compelled by their duty to the people

of the state to come forward with a restrictive policy, something put around the plan to sweeten the dose, and showed that they were unwilling to turn the monster unrestricted upon the people."

The convention finally adopted the views of Mr. Laughlin, and by the seventh section of the 10th article of the constitution, made provision :

"1. That no state bank shall hereafter be created, nor shall the state own, or be liable for, any stock in any corporation or joint stock association for banking purposes hereafter to be created.

"2. The stockholders in every corporation or joint stock association for banking purposes, issuing bank-notes or any kind of paper credit to circulate the money, shall be individually responsible to the amount of their respective shares of stock, in any such corporation, or association, for all of its debts or liabilities of any kind.

"3. No act of the general assembly authorizing corporations or associations with banking powers shall go into effect, or in any manner be in force, unless the same shall be submitted to the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for and against such law."

On June 25th, Mr. Bond, a delegate from Clinton county offered a resolution directing the committee on the "bill of rights" to report a clause for the new constitution, prohibiting free negroes from hereafter emigrating to and settling within the bounds of this state, and to prevent the owners of slaves in other states from bringing them into and setting them free in this state, with such penalties as will be calculated to effectuate the object in view.

Mr. Adams, of Kane county, moved to strike out all after the word "resolved" and insert the words "that the legislature shall have no power to pass laws of an oppressive character applicable to persons of color." Upon a motion to lay upon the table, I voted with the

majority opposing any provision in the constitution in regard to negroes.

I said, in substance, "I thought the introduction of this subject into the convention was unwise, and would be productive of no good. Almost all the evil growing out of the excitement upon this question had been produced by persons occupying the extremes of both parties. On the one side were those who were honest, sincere and consistent in their opinions, and men of the most respectable character, who devote all their zeal, ardor and means for the accomplishment of their object, men of one idea. On the other side was a class of persons who, to check abolition, use the most violent language and often occupied very untenable ground, and they together have contributed more than anything else to create the excitement on this question. I would ask gentlemen to reflect upon the consequences of the adoption of this provision. If it was adopted, and its provisions inserted in the constitution, a large class of persons would oppose it. Why then unnecessarily provoke a battle against the constitution? Intemperance on the one side was as objectionable as on the other. Every impulse of my heart and every feeling is in opposition to slavery, and if my acts or votes here would do anything to ameliorate the condition of those held in bondage, no man would exert himself more zealously than I; no one would do more to remove the great stain of moral guilt now upon this great republic; but I look upon every proposition either for or against that object as checking the good work."

This speech was quoted on me at "Dry Fork" on election day, and resulted in the fact that every vote (twenty-three) cast in the precinct was for my opponent, who was elected probate justice of the peace by twenty-seven majority.

Early in the session, the convention had passed a resolution inviting the ministers of the city of Springfield to open the convention with prayer, one of whom

was the Rev. Albert Hale, who, from his services, merited the title so lovingly given him of "Bishop of the Highways and Hedges," and who was one of the purest men in the state.

Mr. Akin, who had not attended the service, offered the following resolution: "Whereas, Mr. Hale, in a sermon on July 11th, in the Second Presbyterian Church, denounced the existing war with Mexico as being unjust; and whereas, such declarations ought not to be tolerated, more especially in a republican government; and whereas, it is unbecoming a minister of the gospel to use such language in a gospel sermon or before the young and rising generation; therefore, resolved, that Mr. Hale be excused from holding prayers in this convention for the future."

A vote was taken, but no quorum having voted upon a motion to lay this resolution upon the table, Mr. Campbell (of Jo Daviess) moved that "Rev. Mr. Hale be excused from service as chaplain in this convention." Mr. Knapp, of Scott, offered the following, that "this convention highly appreciates the services of the volunteers, both officers and privates, of this state who have periled their lives in the cause of our common country in the war with Mexico; that their fame is established upon an immovable basis, far above the reach of calumny, having earned for themselves a character that needs no vindication, and which cannot be impaired by detraction." Mr. Campbell moved to amend by adding the following, which was adopted: "And that this convention highly deprecate all reflections prejudicial to the volunteers coming from the pulpit or any other source."

Mr. Palmer, of Macoupin, moved the following resolution as a substitute for the resolution as amended: "Whereas, all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences, and that no human authority can,

in any case whatever, control or interfere with the rights of conscience ; and, whereas, liberty of speech is one of the invaluable rights of a free people, being responsible to the laws of the land for any abuse thereof ; therefore, resolved, that, while as individuals we dissent from many of the positions assumed by the Rev. Mr. Hale, as they have been reported to this convention, we disclaim all censorship over the pulpit, or of the opinions expressed therefrom, inasmuch as such censorship is in violation of the rights of the reverend gentleman, and beyond our legitimate sphere.”—*Convention Journal, 1847, page 167 et seq.*

The resolution was laid on the table by a close vote, after a debate, in which many leading members of the convention took part, and the preamble was referred to the committee on the bill of rights, but the controversy ended at that point, all parties being satisfied that the introduction of the subject was unfortunate. Mr. Hale, on the morning of Monday, July 19th, officiated at the opening of the convention, and as he left the hall a circumstance occurred which is sufficiently explained by the preamble to a resolution offered by Mr. Knapp, of Jersey, which is as follows: “Whereas, a respectable minister of the gospel, whilst attending the convention to open the session by prayer, under a resolution of the convention, has been grossly insulted and menaced with bodily injury by a member of the convention ; and, whereas, it is alike due to the convention, and to the ministers, that we should not invite them to perform that duty, unless we could secure them against such indignities ;” to this preamble was added, that the “resolution inviting the clergymen of Springfield to open the session with prayer,” be rescinded, and that the secretary be instructed to inform said clergymen of the same, with the assurance of the convention that “this step is not adopted from any dissatisfaction with the manner in which they have discharged their sacred duty, but solely from an unwillingness to subject them to a repetition of



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such indignities." Mr. Aiken was the member referred to in Mr. Knapp's resolution. It is not much to the credit of the convention that this preamble and resolution were adopted without a word of debate. I remember my own feelings of humiliation when I witnessed their adoption, and I saw in the countenances of others that their feeling was like my own.

An attempt was subsequently made in the convention to recover what was lost by the passage of Mr. Knapp's preamble and resolution, for, on the 26th of July, the convention, on motion of Mr. Hays, a delegate from White county, "Resolved, that so much of a preamble and resolution in relation to the chaplains of this body (which appears on the Journal of Tuesday last) assumes that this convention is not able and willing to protect itself and officers from interruption and insult, while in the discharge of their duties, be rescinded; resolved, that the president be requested to open the morning session with prayer;" which was adopted unanimously.

Mr. Hale was an extraordinary man; the proceedings with reference to him were made the subject of newspaper comment, and, while he exhibited some emotion, he merely said to me: "I thank you; I hope you may live to be useful."

Controversies in regard to the chairmanship of the committee on education, or the leadership of that committee, between Mr. Campbell, of Jo Daviess, and Mr. Edwards, of Madison, made it my duty to prepare a report from that committee, which I did, as follows:

"ARTICLE —, SEC. 1. The moneys received from the United States under the provisions of an act of congress of April 18, 1818, for the encouragement of learning, constituting 'the school fund,' and that bestowed on a college, or university, constituting the 'college fund,' as well as that arising from the sale of lands granted for the use of a seminary of learning, constituting 'the seminary fund,' with all additions which have been or may hereafter be made to said funds, or any of them,

shall remain perpetual funds and be held by the state for the uses and purposes aforesaid, the annual interest only to be applied to the support of the schools, a college, or seminaries, under the authority of the general assembly.

“SEC. 2. Officers and trustees having the care or control of any school, college, or seminary funds, or any school fund or any township in this state, for investment, may purchase therewith or invest the same in the bonds of this state, at their market value, under such regulations as the general assembly may prescribe, and it shall be the duty of the general assembly to provide for the prompt payment of the interest of such bond, so purchased as aforesaid, as the same becomes due: *Provided*, that the general assembly may hereafter prohibit or restrict such investments as the public good may require.

“SEC. 3. It shall be the duty of the general assembly to provide for a system of common schools, which shall be as nearly uniform as may be throughout the state, and such common schools shall be equally free to all children in the state, and no sectarian instruction shall be permitted in any of them.

“SEC. 4. The superintendency of public instruction in this state shall be vested in an officer to be styled ‘the superintendent of common schools,’ and such county and local superintendencies as may be established by law.

“SEC. 5. At the first session of the general assembly after the adoption of this constitution, and biennially thereafter, it shall be the duty of the governor, by and with the advice and consent of the senate (a majority of all the members elected thereto concurring therein), to appoint a superintendent of common schools, who shall hold his office for the term of two years, and shall perform such duties and receive such salary as the general assembly may prescribe: *Provided*, that vacancies occurring in said office by death, resignation, refusal to act, or otherwise, may be filled by the governor, and persons thus

appointed shall continue in office until the end of the next session of the general assembly.

“SEC. 6. The preceding section shall continue in force for the term of six years from and after the time at which such first appointment is made in pursuance thereof, and no longer, after which time the general assembly may provide for the continuance of said office of for the election of such office by the people.”

To some members of the convention the proposition to invest the school funds at their market value, when it was known that they were not worth more than fifty cents on the dollar, had the appearance of repudiation. I thought differently, and supposed that the investment of the school funds in state bonds was legitimate; but there was another interest that opposed the report. That was, that it required the legislature to provide a system of common schools, which “shall be as nearly uniform as may be throughout the state, and such common schools shall be equally free to all the children throughout the state.”

A majority of the convention supposed that this would give negroes a chance to enter the schools, and therefore opposed the report.

It ought not to be considered a reproach to the people of Illinois that they were not prepared for the admission of negroes into the schools at that time, when the same subject is still a matter of dispute in the state.

I supported the “two mill tax” introduced by Mr. Edwards, of Madison county. The object of this provision was the imposition of a tax of two mills upon all the property in the state. It provided that the “fund so created shall be kept separate, and shall annually, on January 1st, be apportioned and paid over, *pro rata*, upon all such state indebtedness, other than the canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon, and to that extent, in extinguishment of the principal of said indebtedness.”

This separate article of the constitution was adopted by the people, and did more to establish and maintain the credit of the state than any other measure.

The history of the dueling clause in the constitution is a very curious one.

Messrs. Campbell and Pratt, both of Jo Daviess county, became involved in a controversy as to their respective positions as to alien suffrage. It is not important which was the challenger, but it led to the adoption of that stringent clause in the constitution that "from and after the adoption of the constitution, every person who shall be elected or appointed to any office of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this state, shall, before he enters upon the duties, in addition to the oath prescribed in this constitution, take the following oath: 'I do most solemnly swear (or affirm) as the case may be), that I have not sent or accepted a challenge to fight a duel, the probable issue of which might have been the death of either party, nor have been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge, or acceptance, since the adoption of the constitution, and that I will not be so engaged or concerned, directly or indirectly, in or about such duel, during my continuance in office, so help me God.' "

After the convention closed, I prosecuted my profession, and in the meantime my successful opponent, Colonel Seborn Gilmore, having resigned, I became a candidate again at the special election held in May, 1848, for the office of probate justice of the peace, and was elected to fill the vacancy, against Mr. Harmon V. A. Tappan, by a majority of 410 votes.

On the Tuesday after the first Monday in November (to which time the election had been changed by the constitution of 1848), I was a successful candidate for the office of county judge under the new constitution,

with James Bredan and George A. W. Cloud (brother of the president of the convention) my associates.

One question we had to settle was whether township organization had been adopted in Macoupin county. The constitution of 1848, so called on account of the time of its adoption by the people, provided "that the general assembly shall provide by a general law, for a township organization, under which any county may organize, whenever a majority of voters of such county may determine, and when any county shall adopt a township organization, so much of this constitution as provides for the management of the fiscal concerns of said county, by the county court, may be dispensed with, and the affairs of said county may be transacted in such manner as the general assembly may provide."

At the time of the adoption of the constitution of 1848, the townships of 11 and 12 N. 6 W. were so sparse that it was doubtful whether they would be able to furnish the men to hold the offices created by the township organization law; Virden was not laid out, and Girard was but a brick kiln. It was finally agreed by the county board of Macoupin that the opinion of Judge Stephen T. Logan should be taken upon the question as to whether township organization was or was not adopted.

Macoupin gave a majority of the votes cast upon the question at the election for township organization, but it did not give a majority of all the votes cast at that election for township organization.

It was agreed that I was to obtain the opinion of Judge Logan, and I went to Springfield for that purpose, on horseback, there being no railroad.

He decided that the township organization law had not been adopted by this county, giving a written opinion, for which he charged me ten dollars.

CHAPTER VII.

Elected to the senate 1851—The Logan Law—Major Beatty T. Burke—
Quarrel with Douglas.

I was elected to the state senate in 1851, and attended a called session which was held at Springfield, beginning on June 7, 1852. I offered resolutions deploring the death of my predecessor, Hon. Franklin Witt, who had resided in Green county.

I was placed on the committee on incorporations, and introduced a bill for amendment to the law exempting homesteads from executions and other measures of like character. In 1853, I appeared at the regular session of the legislature, which commenced January 3d of that year. The session was organized with Hon. William McMurtry, lieutenant-governor, in the chair; R. E. Goodell, secretary, and I was assigned to the chairmanship of the committee on incorporations. At that session I introduced a bill "for an act to prevent fraudulent banking," and voted in caucus, as well as in joint session, for Stephen A. Douglas as senator in the senate of the United States, and took part in the joint session for canvassing the votes for governor. It may be interesting to know that Joel A. Matteson had eighty thousand, seven hundred and eighty-nine votes, and E. B. Webb had sixty thousand, four hundred and eight. This session was remarkable for the interest taken and the agitation of the temperance question. The legislature passed an act very much resembling the Maine liquor law, referring the question of the adoption of the law to the voters of the state at the following general elections. On January 25th, I offered a resolution for submission to the people, "an amendment to the constitution providing a salary of two thousand dollars to the judges of the supreme and circuit courts of the state

in place of fifteen hundred allowed them by the clause of the constitution proposed to be amended.”

It may be interesting in this connection to state that the present salary of a supreme judge is seven thousand dollars, and that of a judge of the circuit court is five thousand.

I also introduced a bill for the “repeal of an act to establish a general system of banking.” A bill was passed at this session changing the name of “Fevre” river to that of “Galena.”

At this session of the general assembly an act was introduced by John A. Logan, a representative from Williamson county, entitled “an act to prevent the immigration of negroes into this state.” The act provided that “If any person or persons shall bring or cause to be brought into this state any negro or mulatto slave, whether said slave is set free or not, shall be liable to an indictment, and upon conviction thereof be fined for every such negro or mulatto the sum of not less than one hundred dollars nor more than five hundred dollars and imprisoned in the county jail not more than one year, and shall stand committed until said fine and costs are paid. . . . Provided that this section shall not be construed so as to affect persons or slaves *bona fide* traveling through this state from and to any other state in the United States.”

Section 3 of the act provides that “if any negro or mulatto, bond or free, shall hereafter come into this state and remain ten days, with the evident intention of residing in the same, every such negro or mulatto shall be deemed guilty of a high misdemeanor, and for the first offense shall be fined the sum of fifty dollars, to be recovered before any justice of the peace in any county where such negro or mulatto may be found. . . .” Section 4 provides, “if said negro or mulatto shall be found guilty and the fine assessed be not paid forthwith to the justice of the peace before whom such proceedings were had, it shall be the duty of said

justice to commit said negro or mulatto to the custody of the sheriff of said county, or otherwise keep him or them in custody, and said justice shall forthwith advertise said negro or mulatto, by posting up notices thereof in at least three of the most public places in his district, which said notices shall be posted up for ten days, and on the day and at the time and place mentioned in said advertisement the said justice shall at public auction proceed to sell said negro or mulatto to any person or persons who will pay said fine and costs for the shortest time, and said purchaser shall have the right to compel said negro or mulatto to work for and serve out said time, and he shall furnish said negro or mulatto with comfortable food, clothing and lodging during said servitude.

Section 5 of the act provides "that if said negro or mulatto shall not, within ten days after the expiration of his or her time of service as aforesaid, leave the state, he or she shall be liable to a second prosecution, in which the penalty shall be increased fifty dollars over and above the last penalty inflicted, and the same proceedings shall be had in each case as provided for in the preceding sections for the first offense."

Section 6 provides that "said negro or mulatto shall have a right to take an appeal to the circuit court of the county in which such proceedings shall have been had within five days after the rendition of the judgment before the justice of the peace, by giving bond and security to be approved by the clerk of said court to the people of the State of Illinois, and to be filed in the office of said clerk within said five days in double the amount of said fine and costs, conditioned that the party appearing will personally be and appear before said circuit court at the next term thereof and not depart said court without leave, and will pay said fine and all costs if the same shall be so adjudged by said court, and said security shall have the right to take said negro or mulatto into

custody and retain the same until the order of said court is complied with.”

All the provisions of the act are an example of barbarity which can only be excused by the prejudices of that part, the southern, of the State of Illinois. The whole act appears on page 57 of the “Acts of 1853.”

This statute was declared unconstitutional by Hon. Samuel S. Marshall, who was circuit judge at the time, and he refused to enforce it.

The subject of the action of congress on the Kansas-Nebraska bill was introduced into the senate at the special session of 1854 by Mr. O’Melveny, a senator from Monroe and St. Clair counties. The governor had made no allusion to the subject in his message, which was devoted exclusively to state affairs.

The legislature had, in the early days of the republic, instructed the senators as to their votes and duties, and, though Mr. Douglas had acted independently of the legislature of Illinois, it was thought best by his friends that he should be indorsed by the legislature of his own state. Mr. O’Melveny introduced into the senate the following resolutions on February 9, 1854 :

“Resolved, by the senate of Illinois, that the bill to form the Nebraska and Kansas territories, as presented and advocated by our distinguished Senator Douglas at the present session of congress, meets with our approbation.

“Resolved, that we believe that the best interests of the Union demands the passage of said bill.

“Resolved, that we call upon all Union men throughout the state to support said bill.

“Resolved, that we will sustain Judge Douglas against all Abolitionists and Free-soilers in this state so far as the provisions of his bill is concerned.”

Mr. O’Melveny moved to make the resolutions the special order of the day for next Monday week, which motion was decided in the affirmative—yeas, 13 ; nays, 9—and the resolutions were made the special order of

the day for Monday week. Thereupon, I offered, on the 10th day of the same month, the following concurrent resolutions as a substitute for the resolutions of Mr. O'Melveny:

“Resolved, by the senate and house of representatives concurring therein: 1. That the Missouri Compromise and the compromise measures of 1850 provide for a satisfactory and final settlement of the subject of slavery, and the people of the State of Illinois in common with the citizens of all the states are pledged to maintain the same, and to resist and discountenance all further agitation of the question as tending to weaken the bonds of the Union, and as threatening its perpetuity and peace.”

“2. That the compromise measures of 1850 were not intended by the framers, nor understood by the people of the United States, in any manner, in letter or spirit, to weaken the prohibition of slavery in that portion of the territory of the United States from which it was excluded by the terms of the Missouri Compromise.

“3. That the provision of the bill for the organization of Kansas and Nebraska territories, now pending in the congress of the United States, so far as the same proposes to tolerate the introduction or existence of slavery in said territory, or weakens or impairs the restrictions imposed thereon by the Missouri Compromise, meets the unqualified condemnation and opposition of this general assembly, as directly exciting the elements of agitation and strife so happily allayed by the compromise aforesaid.”

I was at that time sincerely in favor of the Missouri Compromise, which excluded slavery from the territory west of the State of Missouri, north of the latitude of $36^{\circ} 30''$, and I was equally sincere in my support of the compromise measures of 1850, and I felt indignant that an Illinois senator should, from the committee on territories, make a report, and declare the Missouri act of 1820 void, as being contrary to law, and in conflict with the measures of 1850. In order to give a full history of the

action of the senate with regard to the Nebraska bill, Mr. Judd offered the following resolution: "That the general assembly of the State of Illinois regard the act generally known as the 'Missouri Compromise Act,' which excludes slavery north of 36° 30'', as a wise and a beneficial enactment, and good faith requires that the same be preserved inviolate." Mr. Judd was a Democrat and a senator from Cook county.

The house was in favor of the "Nebraska bill," and passed resolutions which Mr. Davis (of Hancock) introduced into the senate, and were as follows: "Resolved, that our liberty and independence are based upon the right of the people to form for themselves such government as they may choose; that this great privilege, the birthright of freemen, the gift of heaven secured to us by the blood of our ancestors, ought to be extended to future generations, and no limitations ought to be applied to this power in the organization of any territory of the United States of either a territorial government or a state constitution; provided, the government so established shall be republican and in conformity with the constitution.

"Resolved, that we will stand by the compromise of 1850; that we are attached to the great fundamental principles of democracy and free institutions which lie at the basis of our creed and gives every political community the right to govern itself, to form such a government as they may choose without limitation, restriction or hinderance, save obedience to the constitution of our country.

"Resolved, that the institution of slavery was one of the principal subjects of compromise embraced in the constitution; that it is recognized therein, and we deem the restriction of a geographical line upon the right of the people to form such a government as they may choose in regard to the question of slavery, was a gross violation of that sacred right, as a similar restriction upon any other question of government, the right whereof is

equally recognized by the constitution of the United States.

“Resolved, that this principle is contained and carried out in the Nebraska bill offered in the congress of the United States by our distinguished Senator Stephen A. Douglas; that we approve of said bill, and that we will sustain our senator in his advocacy of the same.”

Efforts were made to evade a vote upon the main question by some senators who were anxious to avoid committing the Democratic party to an unwise and dangerous policy. I offered the following amendment to Mr. Davis' resolution: “That the law now in force, called the Missouri Compromise, and the bill for the organization of Oregon territory excluding slavery from its limits, are wise and judicious, and ought to be maintained.”

The vote upon the passage of the resolution proposed by Mr. Davis and rejecting my proposed amendment was fifteen to seven. Those voting in the affirmative were: Messrs. Bryan of Marion, Campbell of McDonough, Corder of Williamson, Cockle of Peoria, Davis of Hancock, Detrick of Randolph, Howard of Jo Daviess, Jerningan of Christian, Kuykendall of Johnson, Morton of Morgan, O'Kean of Richland, O'Melveny of Monroe, Parker of Coles, Parsons of Pike, Wynn of Clark; and those voting in the affirmative on my amendment and in the negative on the resolutions were: Messrs. Cook of LaSalle, Gillespie of Madison, Gridley of McLean, Judd of Cook, Osgood of Will, Palmer of Macoupin, Talcott of Winnebago.

After the adjournment of the special session of 1854, I was conscious that I had differed with my party upon the subject of the Kansas-Nebraska bill and of the repeal of the Missouri Compromise, and had from that cause alienated many of the ultra-proslavery men of the Democratic party, and I knew that I had given that class of men some evidence, which they used unsparingly, to convict me of the political offense called

“abolitionism ;” but I did not then foresee, what I afterwards discovered to be true, that the slavery question would not cease to disturb the country as long as that institution existed. I supposed that the Democratic party would again unite upon other issues, and I was mainly anxious to preserve my personal independence and the right, inside of the party lines, to act according to the dictates of my own sense of personal duty.

I was fully awakened from that delusion by the events which transpired on July 4, 1854. On that day, in pursuance of an invitation, I attended a celebration held north of Virden, in the edge of Sangamon county, and undertook the oration of the day. I indulged in the usual glorification of our revolutionary fathers and quoted from the Declaration of Independence, as I had often done on like occasions, that “All men are created equal, and are endowed with certain inalienable rights, among which are life, liberty and the pursuit of happiness,” words which Mr. John C. Calhoun had characterized as “glittering generalities,” and Mr. Douglas said meant “no more than our fathers intended to claim by those words that British subjects born on this continent had the same rights that British subjects had who were born in Great Britain.” I attacked Mr. Calhoun, but spoke of Mr. Douglas with the respect I really felt for him, but my remarks stirred up a storm. Before I left the ground I was convinced that the Democratic party was hopelessly divided, and that the repeal of the Missouri Compromise had stirred up passions that could not be allayed, and that the country was about entering upon a struggle which would probably result in very serious consequences. My first conclusion was to avoid all participation in the approaching controversy, and I did, in a letter dated August 14, 1854, decline to be a candidate for nomination for reelection to the state senate by any convention which made adherence to the Nebraska bill a test of party orthodoxy. . . . This, however, did not satisfy the ultra party men, who would

accept from me nothing but complete submission. The Democratic party had then practically controlled the government of the United States from the time of the administration of General Jackson ; and though Harrison had defeated Van Buren in 1840, and Taylor was elected over Cass in 1848, in both instances the victories of the enemies of democracy were barren of results. The election of General Pierce over General Scott, in 1852, had annihilated the Whig party, and the democracy were triumphant and arrogant. Douglas was absolutely supreme in the party in Illinois, and his supremacy was a despotism ; his demand was to "shoot the deserters," and by deserters he meant all Democrats who were unwilling to follow him.

The district senatorial convention, which assembled in August, 1854, passed resolutions indorsing the Nebraska bill, and nominated Major Beatty T. Burke, of Macoupin county, as a candidate for the senate.

Major Burke was a remarkable man, and as my relations to him were of a peculiar character, I regard it as a duty to attempt at least to do justice to his memory. He was a native of Virginia, and before he came to Illinois was employed in the armory at Harper's Ferry. When I came to Macoupin county, in 1839, he was sheriff of the county, elected in 1838, after a contest which was conducted with great heat, although the issues between himself and Jefferson Weatherford, the former sheriff, and a candidate for reelection, were mainly personal. He was elected to the office of sheriff for five terms of two years each, and after two years of service in the legislature, was again elected sheriff. We became friends soon after we met in 1839, and remained so until we were opposing candidates for the senate. Major Burke possessed vigorous physical and mental powers, but he had little knowledge of politics, he was an active canvasser, and had many friends in Macoupin county. His sympathies were with the South, and he really thought the pretensions of the slaveholding states

were so moderate, that they should be acceded to by the North without hesitation. He had opposed the compromise measures of 1850 for the same reasons the southern leaders did, and was ready to support them in whatever they might consider to be their rights. He was honest and truthful, a good citizen and a sincere friend. He was a member of the house of representatives in 1852, while I was a member of the senate, and our relations were most pleasant.

Major Burke was renominated for a seat in the house, in 1854, but he preferred to make a canvass for the senate, and accordingly sought and obtained the nomination from the convention which assembled at Tegard's mill, now Rockbridge. After he was nominated for the senate, his course towards me was so personal that I determined to become an independent Democratic candidate, making no other issue with him than that of the policy of the repeal of the compromise measure of 1820.

At the beginning of the canvass Major Burke had the advantage of me, on account of certain local and personal matters, one of which was my connection with the defense of Andrew J. Nash, who was tried for murder in Macoupin county. Nash, who was a most dangerous and vindictive man, had killed one Alexander Lockerman, a quiet and inoffensive citizen, and fled the country. A year or two afterward he was arrested in Arkansas, and brought back to Macoupin county for trial. With all his faults he had always been a true friend of mine. He was tried by a jury, found guilty, and sentenced to be hung on a fixed but not distant day. I had given him my professional service gratuitously, and was assisted in his defense by Hon. Murray McConnell, of Jacksonville, one of the leading criminal lawyers of his day. Mr. McConnell was afterwards assassinated in his home in Jacksonville under circumstances of peculiar atrocity.

After Nash was convicted and sentenced I obtained the signatures of some of the jury to a petition asking the governor (Matteson) to commute his sentence to impris-

onment for life, and also obtained other signatures, including that of Major Burke, who was at the time sheriff of the county. With these petitions I applied to Governor Matteson, but the governor refused to interfere unless Judge David M. Woodson, of Carrollton, who presided at the trial, would recommend it. I left Carlinville on Tuesday before the Friday fixed for the execution of the sentence, and hoped to obtain the order of commutation from the governor, and return home on the same evening, so that on Wednesday, Nash could be removed from the jail to the penitentiary. The necessity of obtaining Judge Woodson's recommendation imposed upon me by the governor compelled me to go to Jacksonville, which I did by rail, and from thence to Carrollton, where Judge Woodson resided, by stage. I went to Carrollton, saw the judge, who very kindly indorsed the recommendation, returned to Jacksonville, and reached Springfield, Thursday forenoon, obtained the order from the governor, but was not able to reach Carlinville before eleven o'clock at night. The jail was built of logs. I called to Nash, told him of my success, and expressed the hope that he could be removed the next morning. It was too late, however, men, women and children had come from Greene, Madison, Bond, Montgomery, Morgan and other neighboring counties, to "see the hanging." Some of them had camped near the jail, and heard what I had told Nash, so that when morning came the mob spirit was fairly aroused.

During the forenoon, hundreds of others came in, and the removal of Nash was impossible. The mob charged the jail, to take Nash out and hang him. The sheriff, Major Burke, who was a man of resolution, supported by about twenty men, held the mob at bay, when some one proposed to substitute me for Nash. My office was upon the ground floor, north of the public square, and a short distance from the jail. I had no other weapon than an axe. The crowd was led by Nick Lockerman, a brother of the murdered man. I met them at the

door with the axe in my hand, and as they had no firearms, I thought I would try strategy. I said to Lockerman: "Nick, I have friends in that crowd that will kill you if I do not—look around you!" He was startled, and commenced cursing me. I knew at once that the danger was over. A short time afterwards, information reached a part of the crowd that Nash was dead; he had hung himself in the jail. His body was soon afterwards brought upon the square, and publicly shown. The mob being satisfied dispersed, and the excitement of the day was over.

I was aware of the fact that my defense of Nash, my interference on his behalf after his conviction, was condemned by the inconsiderate; but I knew the people of the county so well that I was satisfied that before the election I could turn it to my advantage.

My competitor and I followed the old plan of addressing the people at all the important points of the senatorial district, which was composed of the counties of Macoupin, in which we both lived, and Greene and Jersey. Our first public meeting was at Stanton, in the southeastern corner of Macoupin county. Major Burke spoke first, and alluded to the affair of Nash. He admitted that he had signed the petition for the commutation of Nash's sentence, but claimed that he did so at my request.

He then proceeded to define his position on the subject of the repeal of the Missouri Compromise. He claimed that the states of the Union were equal, and that the citizens of the states in which slavery existed had a right to remove into the territories of the United States with their slaves and hold them as slaves until the people with the sanction of congress formed a state government, when slavery might be tolerated in or excluded from the new state. He attacked the popular sovereignty doctrine of Douglas as absurd (which it was), and said that John P. Hale, Geo. W. Julian and Owen Lovejoy were with me in opposition to the repeal of

the Missouri Compromise. These were the most distinguished of the abolitionists of that day, and abolitionism and abolitionists were odious to the people to an extent which cannot now be understood. In my reply, I adopted a course of conduct which I have always acted upon, and which has never failed me, and will not fail any one else before a western audience. I frankly avowed that Nash was my friend, and briefly adverted to the services he had rendered me. I said that on his return to Carlinville, after his apprehension in Arkansas, he had sent for me and told me that his wife and children had but little to pay for defending him, but asked me to do so. I then said I had told him that the charge against him was an aggravated one; that his conviction was almost certain, but that I would defend him, and that he should not die until every means of saving his life was exhausted. I said to the people that I had kept the promise made to Nash, and if anyone chose to vote against me for doing so, I had no objection. They were a manly, generous people, and neither Major Burke nor I ever alluded to the subject again.

I had more trouble in defending myself for opposing the Nebraska bill. At that time the prejudice against abolitionists was bitter, and affected the minds of three-fourths of the voters. I was only remotely influenced in my course by hostility to slavery, though I avowed my opposition to the institution. I was chiefly concerned by the fact that the repeal of the Missouri Compromise reopened the slavery question.

In February, 1854, at the special session of the senate, I had offered for adoption the resolutions heretofore copied, which at once expressed my opinions as well as my apprehensions. I reiterated the substance of these resolutions in all the speeches I made in the district, and assailed Major Burke for his opposition to the compromise of 1850, and the result was I was elected by about two hundred majority.

This contest had much to do with my subsequent po-

litical career. I have already expressed my great regard for Mr. Douglas. and up to the time to which I refer, I regarded him as my friend. Two or three weeks before the election, he came into the district and addressed the people of Greene county at Carrollton, and from that place came to Carlinville, my home. I came into Carlinville from Jerseyville, where I had attended court. after sundown on the same day, and hearing that Judge Douglas was at the hotel, I called upon him, and we spent two hours or more in earnest conversation, of the purport that Judge Douglas was anxious that as the legislature would elect a senator to succeed General James Shields, I should agree to attend the legislative caucus and vote for whoever might be nominated as a candidate for senator. On the other hand, I insisted that as I was an independent Democratic candidate for state senator in opposition to the Nebraska bill, and especially opposed to that measure as a test of party orthodoxy, he ought to agree that the Democratic caucus should pass no resolutions favoring that measure.

Our discussion was somewhat heated, and both of us obstinate, and he finally said to me: "You may join the Abolitionists if you choose to do so, but if you do, there are enough patriotic Whigs to take your place and elect Shields." I answered: "I will beat Burke in spite of all you can do against me. You will fix the imputation of abolitionism upon me, and by that means beat me down: we have fought the Whigs together, you now promise yourself that they will take my place, and help elect Shields. I will fight you until you are defeated, and have learned to value your friends." I kept my word, and I think Judge Douglas had no more active or earnest political enemy than I was from that time until I met him in Washington in February, 1861, as I will hereafter relate.

In 1854, Major Burke obtained a "dispensation" for the establishment of Mt. Nebo Lodge, No. 76, and Mr. Charles Fisher, of this city and Dr. Z. T. Cabinis, whose

home was afterwards Petersburg, Menard county, at which place he died, came to Carlinville and opened the lodge. I was initiated, passed and raised by the same dispensation to the degree of Master Mason. The dispensation was issued by William Lively, the Grand Master Mason at that time. I have been a member of that lodge ever since.



Lyman Hurvill

CHAPTER VIII.

The Bloomington Convention—Organization of the Republican party—Platform of the Convention—Delegate to the Philadelphia Convention—Freemont and Dayton—Platform adopted—Affair with Major Harris.

As I have before stated, the Kansas-Nebraska bill, which passed congress in May, 1854, declared the Missouri Compromise of 1850, by which slavery was restricted on the north of the line of $36^{\circ} 30''$ inoperative and void, by reason of its alleged inconsistency with the compromise measures of 1850, and established instead the principle of popular sovereignty ; that is, “that congress should not legislate slavery into any territory or state, or exclude it therefrom, but leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States.”

This came upon the country like a “clap of thunder from a clear sky.” The Democratic party still maintained its organization. Mr. Douglas was aware of the effect which such a measure might be expected to produce upon the country.

Under such circumstances, the general assembly convened on the first Monday in January, 1855, and the election of senator was fixed for the 8th of February following.

Mr. Lincoln was the choice of a large majority of the anti-Nebraska members for senator, while General James Shields received the caucas nomination of the Nebraska Democrats. Ten ballots were had in the joint session, and Lincoln received, on the first ballot, 45 votes ; Shields, 41 ; Lyman Trumbull, 5. In the six following ballots, Lincoln fell off 36 votes ; Trumbull increased to 10, and Shields received 42 votes. It now becoming ap-

parent that the choice must fall upon either Trumbull or Matteson (who had taken the place of Shields on the balloting, and received the whole Nebraska vote), Lincoln came into the hall of representatives, where the balloting was held, and urged his Whig friends to vote for Trumbull, and on the final ballot Trumbull received 51 votes, and Matteson 47, and 1 for Archibald Williams, cast by Louis H. Waters, who afterwards commanded the 84th Illinois Regiment. The five anti-Nebraska Democrats were Messrs. Cook, of La Salle, Judd, of Cook, and Palmer, of the senate; Allen and Baker, both of Madison county, of the house.

“In order to reconcile seemingly conflicting but actually congenial elements in the election of 1856, a convention was called to meet at Decatur, February 22, 1856. This convention was composed of Paul Selby, of the Jacksonville Journal; Wm. J. Storey, Decatur Chronicle; V. Y. Ralston, Quincy Whig; Charles H. Ray, Chicago Tribune; O. P. Wharton, Rock Island Advertiser; E. C. Dougherty, Rockford Register; Thos. J. Prickett, Peoria Republican; Geo. Schneider, Staats Zeitung, Chicago; Charles Faxton, Princeton Post; A. U. Ford, Lacon Gazette; and B. F. Shaw, Dixon Telegraph.”

This committee appointed a central committee, consisting of James C. Conkling, Springfield; Asahel Gridley, Bloomington; Burton C. Cook, Ottawa; Charles H. Ray and N. B. Judd, of Chicago, which was authorized to call a convention, which was held at Bloomington, May 29, 1856, called the Anti-Slavery Extension Convention.

I was made permanent president of the convention, assisted by a number of vice-presidents. The platform adopted embraced the following planks: “1. Opposition to the Democratic administration of Mr. Buchanan. 2. That congress possessed the power to abolish slavery in the territories, and should exercise that power to prevent the extension of slavery into territories heretofore

free. 3. Opposition to the repeal of the Missouri Compromise, and in favor of making Kansas and Nebraska free states. 4. In favor of the Union and the constitution. 5. In favor of the immediate admission of Kansas as a free state under the constitution adopted by her people. 6. In favor of liberty of conscience as well as political freedom, proscribing no one on account of religious opinions or in consequence of place of birth."

Moses says, Illinois, Vol. 2, p. 599: "It was a famous gathering, and marked the commencement of a new era in the politics of the state. All those who subsequently became leaders of the Republican party were there—Whigs, Democrats, Know-Nothings and Abolitionists. Those who had all their lives been opposing and fighting each other found themselves harmoniously sitting side by side, consulting and shouting their enthusiastic and unanimous accord. Among these were Lincoln, Palmer, Browning, Wentworth, Yates, Lovejoy, Oglesby and Koerner. . . ."

The nominees of the convention were William H. Bissell, for governor; Francis A. Hoffman, lieutenant-governor, both of whom were Democrats; Ozias M. Hatch, secretary of state, and Jesse K. DuBois, auditor, and James Miller, for treasurer (all Whigs), and Wm. H. Powell, superintendent of public instruction, a Democrat. Again quoting from Moses, p. 600:

"It was a body in which ideas predominated, to the exclusion of personal prejudices, and the absorbing interest of the convention centered upon the discussion of the political principles embraced in the platform. Eloquent speeches were made by all the prominent delegates—Palmer, from a Democratic standpoint; Browning, from the outlook of an old Whig; and Lovejoy, from a pinnacle which others had not been able hitherto to climb. These were all able, earnest efforts, aroused by wild enthusiasm, but it was left for Abraham Lincoln, in the final address, in what was the greatest forensic effort of

his life, to stir the souls of that vast assemblage to the lowest depths."

I only remember one expression used by Mr. Lincoln on that occasion, "We will not dissolve the Union, and you shall not do it."

I was elected by the convention a delegate to the National Republican Convention, which was held at Philadelphia, June 17, 1856, and in which John C. Fremont was nominated for the presidency, and William L. Dayton for the vice-presidency. I placed in nomination for the vice-presidency Abraham Lincoln, of Illinois, who received the highest number of votes given to an unsuccessful candidate.

Moses, in his "Illinois," p. 602, has given an account of an affair which occurred between Major Thos. L. Harris and myself at Plainview, in Macoupin county. There was no "ill feeling," as Moses says, between Major Harris and myself up to that time, for I had voted for him in 1854, and was a member of the convention which nominated him.

Major Harris had come into the county during his canvass for election to congress, and learned that I had spoken severely of a letter written by him to Mr. Geo. H. Holiday, and read at the opening of the Macoupin Circuit Court. I had said of the letter when it was read that it contained "statements that Major Harris would not have made if any honest man had been looking him in the face." Major Harris afterwards came to Carlinville and professed to be hunting for me to hold me responsible for what I had said. I was, on the day preceding the meeting at Plainview, at Edwardsville with Mr. Lincoln, where we had made Fremont speeches.

On my return home Mr. William M. Maddox told me with something like exultation that Major Harris had been in town the day before looking for me. I learned that Major Harris was to speak at Plainview on the next day. I went to the station at Carlinville and took the train for that place, and at that time of my life was

not unwilling to interview any gentleman who desired to interview me, found the major on board the train. He was very friendly, and during our ride of fifteen miles together treated me courteously. I was surprised at his conduct, and after dining with friends I attended the meeting which was called by him, and which was first addressed by Charles A. Keyes, of Springfield, in a speech of nearly an hour. When Mr. Keyes had concluded Major Harris took the stand and said that he "had heard that a gentleman now present had said that his letter to the Carlinville Convention had contained matter that he would not have dared to write if he (the gentleman referred to) had been looking him in the face." At that time it was the custom to mob anti-slavery men, and as we were called "Black-Republicans" it was supposed that we had adopted their methods of "non-resistance." I said, in reply to Major Harris, "I did not say he would not have used the words of the letter if I had been looking him in the face," but added that "he would not have used the words of the letter if any honest man had been looking in his face."

He said in reply, "that is a specimen of these dastardly Black-Republicans;" I said to him, "If you apply that language to me, you are a liar!" The major then stepped off the stand he occupied and said, after advancing toward me, "He has a pistol." I said, "I did not draw a pistol on you, I can whip you with one hand tied behind me, but I am watching your dogs." I was not in the habit of carrying a pistol, as there were no pockets for concealing "pints, "quarts," or pistols in the trousers of 1856. It had been handed me at the station by Mr. George H. F. Work, a student in my office, who called my attention to certain persons going to Plainview, ostensibly to hear Major Harris speak, and said, "You will have a row before you return and will need it." The pistol was taken from me by Mr. Samuel T. Mayo and Mr. James Fishback, two of my

friends, and returned after Major Harris had ceased speaking. When he was through I made the speech which Moses attributes to me, and said in its opening, "I have nothing of the border ruffian about me but this pistol." There was no further disturbance, but more than once I had the pleasure of hearing the words, "I would like to bounce a rock off his head."

Before the affair with Major Harris, I went to Alton, and with many friends visited St. Louis to hear Colonel Thomas H. Benton who had just returned from his "forty days in the wilderness." We called upon Colonel Benton at the "Planter's House," and were introduced to him. He invited me to take a seat with him in the evening on the platform from which he was to speak, but I told him that "my Illinois friends would expect me to be with them, and we would be heard from during the evening." He said: "It was a commendable determination."

I had no idea that Benton could grow old until I saw "Gratz Brown" assist him to the platform. Benton described his travels in Missouri, and said of his enemies, "I have laid them out like milestones on my way." In describing his visit to Independence he said, "the first man called upon was Branson, Benton's friend, and he was present and took the seat of honor on Benton's right hand."

He described one of his enemies as the "man whose patronymic signifies the smallest particle of bread;" another, "whose name calls to mind an infant sheep;" alluded to another by the name of Birch and said, "he aspires to fill Benton's seat, as well might a tumble-bug aspire to fill the seat of an elephant."

The hour for the steamboat's departure having arrived, we took off our hats to him just as he delivered a terrible philippic against his enemies, saying, "the history of the world shows two crops of antis—Anti-Benton and Anti-Christ;" and as we returned to Alton

we concluded that no one had a better right to be an egotist than Benton had.

In 1856, Colonel Benton was prevailed upon by his friends to allow the use of his name as a candidate for governor of Missouri.

He was not elected; Trusten Polk, Democrat, received 46,903 votes; Robert C. Ewing, American, 40,589, and Thomas H. Benton, Independent, 27,618.

Trusten Polk was afterwards senator in the confederate congress from the State of Missouri.

In August, 1856, Mr. W. C. Phillips appeared in Carlinville, and was desirous of establishing a Republican newspaper. After some negotiations Mr. Pittman, my law partner, and I agreed to give our notes to an old firm, which has long ceased to exist (Ladew & Peers), and gave Mr. Phillips besides one hundred dollars to buy such fixtures as he might select and would be necessary for the establishment of a weekly paper.

We gave our notes, due at three and six months for five hundred dollars each, and we paid them.

As Mr. Phillips was in haste to start his paper, the first issue was on September 6, 1856.

The paper was to be entitled "The Free Democrat." In December, 1856, Mr. H. M. Kimball came to Carlinville from Kansas, to which territory he had been an emigrant under the Beecher regime, and was for some time in partnership with Mr. Phillips, until Mr. Phillips was succeeded by Major A. W. Edwards. The paper is still in existence under the name of "The Democrat," published by the Macoupin Printing Company, of which Mr. A. G. David is the principal stockholder.

CHAPTER IX.

Nominated for Congress by the Republicans—Defeated—Platform of the Republican party—Decatur convention—Elector at large—Chicago national convention—Nomination of Mr. Lincoln—Interview with the New Jersey delegation.

I continued the practice of my profession during the early months of 1858-9, and was surprised when on September 29, 1859, the Republican convention nominated me unanimously for the house of representatives in congress. The convention having adopted a platform which was entirely satisfactory to me, I accepted the nomination.

The platform is that which I give below :

“Resolved, that we reaffirm the platform of the national Republican convention held at Philadelphia, and the state Republican conventions held at Bloomington and Springfield, and renew our devotion to the principles therein enunciated, both because experience demonstrates them to be the true principles of our republican government, and because they have been rendered politically ‘sacred’ by being advocated and practiced by the most illustrious of our revolutionary fathers, as well as modern statesmen.

“Resolved, that the territories of the United States are the common property of all the free white citizens of the whole Union, but that the institution of slavery has no right or heritage therein, and that it is the right and duty of congress to follow the example of Jefferson and the founders of our government in prohibiting the extension of slavery into the territories, but at the same time we strenuously oppose every attempt to interfere with slavery in the states where it now exists.

“Resolved, that freedom is universal, and slavery sectional, and cannot exist where it is not authorized by

special legislation, and the government of the United States in the exercise of its powers, whether executive, legislative or judicial, is bound to adhere in substance and form to the generous and noble spirit of these important maxims.

“Resolved, that we pledge our unremitting efforts to prevent the reopening of the African slave trade so arrogantly demanded by many Democratic papers and politicians.

“Resolved, that we are opposed to the self-styled Democracy which allows the public lands to be monopolized by speculators and capitalists, and are in favor of their free occupation by actual settlers in limited quantities, as proposed by the Republicans in the last congress, and voted down by the so-called Democracy.

“Resolved, that the reckless disregard of the rights of naturalized citizens, by the administration of James Buchanan, as exhibited in the letter of General Cass to Mr. LeClerc, calls for our unqualified reprobation, and that we claim for every citizen, whether native or adopted, from whom we exact allegiance, *protection at home and abroad.*”

On the day before the Republican convention met, the Democratic convention had assembled and nominated Colonel (now General) John A. McClernand for the same office. The fact of my nomination was communicated to me on the following day (30th), and as there was no possibility of an election I accepted the nomination.

General McClernand had been one of the original opponents of the test proposed by Mr. Douglas of party orthodoxy. I immediately proceeded to make a canvass, and think I visited every county in the district.

I spoke at Winchester, Scott county, on October 11th; on the 12th, at Petersburg; on the 13th, at Jacksonville; at Jerseyville on the 14th; Carrollton on the 15th, and at Shelbyville on the 19th, where I received information that John Brown had invaded Virginia at Harper's Ferry, which produced such a sensation as cannot be understood, and reversed the vote of the district.

I had expected to be beaten by one or two thousand votes. I reminded the people of Shelby county that the compromise measure of 1850, to which all were pledged, fully justified my prediction that the repeal of the compromise of 1820 would endanger the perpetuity and peace of the Union.

By this time Colonel McClernand was fully committed to the doctrine of popular sovereignty, under which slavery was to be introduced into all the territories, and I made some impression on my hearers, but still I failed to carry one county in the district. Colonel McClernand beat me more than four thousand votes. My fellow-citizens still retained their confidence in me as a lawyer, and my republicanism did not injure me professionally.

The Republican State Convention was held in Decatur on May 9, 1860; I attended the convention as a delegate from Macoupin county. After a spirited contest between Richard Yates, Leonard Swett, and Norman B. Judd for candidate for governor, Richard Yates received the nomination, and Francis A. Hoffman for lieutenant-governor; Ozias M. Hatch, for secretary of state; Jesse K. Du Bois, for auditor, and William Butler, for treasurer, and Newton Bateman, for superintendent of public instruction.

On June 13th of the same year, the Democratic State Convention was held in Springfield, at which James C. Allen was nominated as a candidate for governor, Lewis W. Ross, for lieutenant-governor. The canvass was conducted by the candidates for governor and lieutenant-governor, and the Republicans succeeded in the election, Mr. Yates having received one hundred and seventy-two thousand one hundred and ninety-six (172,196) and Mr. Allen one hundred and fifty-nine thousand two hundred and fifty-eight (159,258) votes. It is noticeable that my old friend, Major B. T. Burke, was nominated by the Buchanan Democracy of the state and received two thousand and twenty-two (2,022) votes.

The Seward men in the Decatur convention resisted



Abraham Lincoln
President Elect 1860

instructions to the delegates to the national convention for Mr. Lincoln, but finally consented that they be instructed to vote as a unit for him.

The National Republican Convention was held in Chicago, on May 16th, and resulted in the nomination of Lincoln for president on the third ballot, and Hannibal Hamlin for vice-president. Undoubtedly, Judge David Davis and Norman B. Judd contributed most to the nomination of Mr. Lincoln; they were indefatigable in their efforts to secure his nomination. In one instance, Judge Davis visited the New Jersey delegation, and reported to me that he had found that the New Jersey delegation were insisting that Seward should have the first place on the ticket and Lincoln the second, and asked me to go and see them. I did not know what I could do to aid the judge, but determined upon my line of conversation while on the way. When introduced to the delegation, they suggested that Mr. Seward be nominated for the presidency, and Mr. Lincoln be given the vice-presidency, when I told them that there were forty thousand Democrats who would vote the Republican ticket, but who would not consent to do so if two old Whigs were placed upon the ticket. Judge Davis was asked if there was as much party feeling, as much prejudice, in the minds of the Democratic-Republicans as I had represented. And he replied, "Oh! Oh! these old Loco-focos will do anything!" I said to them, "You must take a Democrat for one of these offices." And in that way we escaped the responsibility of two old Whig party men being placed upon the ticket; and thus Mr. Lincoln and Mr. Seward were brought face to face as candidates for the presidency. Lincoln succeeded, and Hannibal Hamlin, of Maine, originally a Democrat, was nominated for the vice-presidency.

The convention adopted the following platform: "Resolved, that we, the delegated representatives of the Republican electors of the United States in convention as-

sembled, in discharge of the duty we owe to our constituents and our country, unite in the following declarations :

“1. That the history of the nation during the last four years has fully established the propriety and necessity of the organization and perpetuation of the Republican party, and that the causes which called it into existence are permanent in their nature, and now more than ever before demand its peaceful and constitutional triumph. . . .”

“3. That to the union of the states, this nation owes its unprecedented increase in population ; its surprising development of material resources and its rapid augmentation of wealth ; its happiness at home and its honor abroad ; and we hold in abhorrence all schemes for disunion, from whatever source they may come, and we congratulate the country that no Republican member of congress has uttered or countenanced the threats of disunion so often made by Democratic members without rebuke, and with applause from their political associates. And we denounce those threats of disunion in case of a popular overthrow of their ascendancy as denying the vital principles of free government, and as an avowal contemplated of treason, which it is the imperative duty of a free people sternly to rebuke and forever silence.”

The convention then passed a resolution committing its members to the doctrine that “the maintenance inviolate of the rights of the states, and especially each state to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends. And we denounce the lawless invasion by armed force of any state or territory, no matter upon what pretext, as amongst the gravest of crimes. . . .”

“7. That the new dogma, that the constitution of its own force carries slavery into any or all of the terri-

tories of the United States, is a dangerous political heresy—at variance with the explicit provisions of that instrument itself, with contemporaneous exposition, and with legislative and judicial precedent, is revolutionary in its tendency and is subversive of the peace and harmony of the country. . . .”

“17. Finally, having thus set forth our distinctive principles and views, we invite the cooperation of all citizens, however differing on other questions, who substantially agree with us in their affirmance and support.”

CHAPTER X.

The Peace convention—Organization—Personnel of the convention—Amendments proposed to the constitution—Insolence of secessionists—Call from Judge Douglas.

The Peace convention which assembled on February 4, 1861, convened under circumstances of great political confusion and uncertainty. It was organized by the election of Judge Tyler, former President of the United States, as president of the convention, Crafts J. Wright, of Ohio, secretary.

The delegates from Illinois, who were appointed by Governor Yates, were John Wood, Stephen T. Logan, John M. Palmer, Burton C. Cook and Thos. J. Turner.

After Mr. Lincoln's arrival in Washington, he expected nothing from the proceedings of the convention, and advised us to deal as liberally as possible with the subject of slavery. He pointed out to us the impossibility of restoring the Union without a struggle, in which we concurred. He said, "whatever I may think of the merit of the various propositions suggested, I should regard any concession in the face of a menace, as the destruction of the government itself, and a consent on all hands that our system should be brought down to a level with the disorganized state of affairs in Mexico. But this thing will hereafter be, as it is now, in the hands of the people, and if they desire to call a convention to remove any grievances complained of, or to give new guarantees for the purpose of vested rights, it is not mine to oppose."

The convention consisted of some of the most distinguished citizens of the several states. It contained William P. Fessenden and Lot M. Morrill, of Maine; Amos Tuck, from New Hampshire; L. E. Chittenden, who reported the proceedings of the convention, from

Vermont; Geo. S. Boutwell, afterwards secretary of the treasury in Grant's cabinet, from Massachusetts; David Dudley Field, Wm. Curtis Noyes, a distinguished lawyer, James S. Wadsworth, who was killed during the civil war as a volunteer in the United States army, Erastus Corning, Green C. Bronson and General John E. Wool, from New York; John Tyler, Wm. C. Rives, the distinguished senator, and James A. Seddon, afterwards Confederate secretary of war, from Virginia; among others were George Davis, attorney-general under the Confederate government; Daniel M. Balingier, minister to Spain during Buchanan's term; Thomas Martin, whom I afterwards met at Pulaski, Tennessee, under different circumstances; William Hickerson, of Manchester, Tennessee, and General F. K. Zolligoffer, who was killed at the battle of Mill Springs; from Kentucky there was William O. Butler, candidate for vice-president on the ticket of Cass and Butler; James B. Clay (son of Henry Clay), Joshua F. Bell, Charles S. Morehead, who had been governor of Kentucky; James Guthrie, who had been secretary of the treasury, and Charles A. Wickliffe, afterwards governor of Kentucky; Salmon P. Chase, afterwards chief-justice; Thomas Ewing, the great senator from Ohio; and others equally worthy of mention, from the various states.

The convention recommended that the following be proposed to the several states as amendments to the constitution of the United States:

“ART. 13, SEC. 1. In all the present territory of the United States north of the parallel of $36^{\circ} 30''$ north latitude, involuntary servitude, except in punishment of crime, is prohibited. In all the present territory south of that line the status of persons held to involuntary service or labor as it now exists shall not be changed; nor shall any law be passed by congress, or the territorial legislature to hinder or prevent the taking of such persons from any of the states of this Union to said territory, nor to impair the rights arising from said rela-

lation, but the same shall be subject to judicial cognizance in the federal courts according to the course of the common law. When any territory north or south of said line within such boundary as congress may prescribe shall contain a population equal to that required for a member of congress, it shall, if its form of government be republican, be admitted into the Union, on equal footing with the original states, with or without involuntary servitude, as the constitution of said state may provide.

“SEC. 2. No territory shall be acquired by the United States except by discovery, and for naval and commercial stations, depots and transit routes, without the concurrence of a majority of all the senators from states which allow involuntary servitude, and the majority of all the senators from states which prohibit that relation. Nor shall territory be acquired by treaty unless the votes of a majority of the senators from each class of states hereinbefore mentioned be cast as a part of the two-thirds majority necessary to the ratification of such treaty.

“SEC. 3. Neither the constitution nor any amendment thereof shall be construed to give congress power to regulate, abolish or control, within any state, the relation established or recognized by the laws thereof, touching any person held to labor or involuntary service therein, nor to interfere with or abolish involuntary service in the District of Columbia without the consent of Maryland and without the consent of the owners, or making the owners who do not consent just compensation; nor the power to interfere with or prohibit representatives and others from bringing with them to the District of Columbia, retaining and taking away persons so held to labor or service; nor the power to interfere with or abolish involuntary service in places under the exclusive jurisdiction of the United States within those states and territories where the same is established or recognized; nor the power to prohibit the removal or

transportation of persons held to labor or involuntary service in any state or territory of the United States to any other state or territory thereof, where it is so established or recognized by law or usage, and the right during transportation, by sea or river, of touching at ports, shores and landings, and of landing in case of distress, shall exist; but not the right of transit, in or through any state or territory, or of sale or traffic against the laws thereof. Nor shall congress have power to authorize any higher rate of taxation on persons held to labor or service than on land. The bringing into the District of Columbia of persons held to labor or service for sale, or placing them in depots to be afterwards transferred to other places for sale as merchandise, is prohibited.

“SEC. 4. The third paragraph of the second section of the fourth article of the constitution shall not be construed to prevent any of the states, by appropriate legislation and through the action of their judicial and ministerial officer, from enforcing the delivery of fugitives from labor to the person to whom such service or labor is due.

“SEC. 5. The foreign slave trade is hereby forever prohibited; and it shall be the duty of congress to pass laws to prevent the importation of slaves, coolies or persons held to service or labor into the United States and the territories from places beyond the limits thereof.

“SEC. 6. The first, third and fifth sections, together with this section of these amendments, and the third paragraph of the second section of the first article of the constitution, and the third paragraph of the second section of the fourth article thereof, shall not be amended or abolished without the consent of all the states.

“SEC. 7. Congress shall provide by law that the United States shall pay to the owner the full value of his fugitive from labor in all cases where the marshal or other officers, whose duty it was to arrest such fugitive, was prevented from so doing by violence or intimidation from

mobs or riotous assemblages, or when, after arrest, such fugitive was rescued from like violence or intimidation, and the owner thereof deprived of the same; and the acceptance of such payment shall preclude the owner from further claim to such fugitive. Congress shall provide by law for the securing to the citizens of each state the privileges and immunities of citizens in the several states."

On February 22, 1861, President Buchanan, at the request of John Tyler, president of the convention, had forbidden the troops of the United States to parade, upon the ground that "the South" might regard it as a "menace." Secretary Cobb had resigned on December 10th, Secretary Lewis Cass had resigned on the 14th, and secretary of war, John B. Floyd, on the 29th of that month, and secretary of the interior, Jacob Thompson, on January 8th.

Alarm continued to increase, and Ex-governor Lowe, who afterwards left his state to engage in the Rebellion, testified: "I have not the slightest doubt that if Maryland does secede, she will claim her rights here, and I will advocate them, peaceably, if possible, forcibly, only as a last resort." And Governor Hicks, of Maryland, issued an address to the people of that state, in which he said: "I have been repeatedly warned by persons having opportunity to know, and who are entitled to the highest confidence, that the secession leaders in Maryland have resolved that the border states, and especially Maryland, shall be precipitated into secession with the cotton states before the 4th of March."

The secessionists had resolved that Mr. Lincoln should never be inaugurated, and the peace convention conceded to them all that was required, except the prohibition of slavery north of latitude 36° 30". We knew then that Mr. Lincoln would be inaugurated on March 4th, and the country could depend upon his prudence.

I told Mr. Lincoln, before I left Washington, "that I would have to go into the army, in order to prove,

after voting for the proposed amendments to the constitution, that I was a sincere anti-slavery man."

Mr. Yulee (senator from Florida) had written to the legislature of his state: "I think by the 4th of March all the Southern States will be out, except, perhaps, Kentucky and Missouri, and they will soon have to follow. A strong government of eight states, promptly organized, with Jeff Davis general-in-chief, will bring them to a realizing sense of the gravity of the crisis. I shall give the enemy a shot next week before retiring; I say enemy, and yet I am theirs and they are mine. I am willing to be their master, but not their brother."

This was the spirit manifested by the secessionists when the so-called Peace convention assembled. John B. Floyd had already armed the south by placing the government arms in its hands, and at the time of the assembling of the "Peace convention, and adjournment, the Rebellion was in the full tide of experiment."

I have already stated the substance of the quarrel between Judge Douglas and myself, in 1854, while I was a candidate for state senator against Major Burke. I reached Washington on February 3, 1861, and the first person who sent his card to my room at "Willard's" was "Stephen A. Douglas." I invited him to my room, and he came in, extended his hand, which I grasped, and he said: "I have beaten you long ago, and you at last have beaten me; according to your own limitation we are friends again." I expressed my satisfaction at meeting him again, and we consulted for half an hour. He said to me: "You and your friends did me great injustice in the Lecompton controversy. If I had had my way, and Buchanan had not been a traitor, I would have compelled Davis to raise the standard of rebellion during that controversy, and then there would have been Union sentiment enough in the country to put him down in thirty days; but now this continent will tremble under the tread of a million armed men before the Re-

bellion is ended.” He died on June 3, 1861, at the Tremont House, in Chicago. I have no doubt but that Douglas had splendid military qualities, and would, like Baker, have entered the army. He could have had any command he might have selected, and could from the younger men of the “old army” have chosen a staff which would have assured him success.

CHAPTER XI.

Visits to Cairo—Visits to Cincinnati—Anna—Douglas—Visits from a Kentucky colonel—Muster regiment for sixth congressional district—Organization of 14th Illinois—Promoted to brigadier-general—In command at Otterville—New Madrid—Riddle's Point—First sight of gunboats—Colored preacher.

On April 18, 1861, I was with Mason Brayman, Hall Wilson and General John A. McClernand appointed to go to Cairo and the southern part of the state, and ascertain the condition of public sentiment with regard to the rebellion. We visited Cairo and found public feeling favorable to the proposition that Cairo should be declared and treated as a neutral city, where all parties should buy and sell at their discretion—so little was known of the magnitude of the civil war that was then impending. I took the train on the Illinois Central Railroad and came back to Anna, and there met Union men and told them of my mission, and there joined other members of the commission. In the afternoon of April 22d, I met a few members of the legislature from neighboring counties who were going to Springfield, having been convened by the governor to "meet in special session on April 23, 1861."

Soon after I came on the train, one member of the legislature handed me a scheme which proposed the division of the state upon the line of the National road which passed through Vandalia, and permitting the south part of the state to join the Confederacy. I told him that he would find himself in jail if he urged such a scheme seriously. I reached Springfield on the morning of the twenty-third, and heard Douglas make that incomparable speech which gave so much comfort to the Union people, and the eloquence of which thrilled the whole country.

On April twenty-fourth I started with Colonel Benjamin Prentiss with seven companies of the 10th Illinois Infantry to Cairo. On the way we saw General Swift's men at the Big Muddy and at Cairo. The troops we took with us were encamped about the city. It may be observed, as an illustration of the delicacy of the situation, that a colonel of militia from Kentucky called upon Colonel Prentiss soon after our arrival and asked why "Cairo was occupied by the troops of the State of Illinois?" General Prentiss replied, "We occupy Cairo to defend the Union; Cairo belongs to Illinois, and we will hold it till hell freezes over."

I returned to Springfield, and was then requested by Governor Yates to visit General George B. McClellan, whose headquarters were in Cincinnati. After reaching Cincinnati I met General McClellan, and we discussed the importance of Cairo and its military value, and he approved all that the governor had done. I returned to St. Louis on the day before Camp Jackson was captured. I met Frank Blair and was let into the secret that "Camp Jackson was to be attacked and captured the next day." I came home to Carlinville and heard of its capture with all of its equipments, which was the means of preserving Missouri to the Union.

The legislature at its April session had made provision and enacted laws for a more perfect equipment of the militia and of devising means to render efficient assistance to the government in preserving the Union, enforcing the laws and protecting the rights of the people.

The legislature passed an act creating ten regiments, one from each congressional district that the state contained, and one from the state at large. When I reached my home at Carlinville I learned that I had been elected colonel of the sixth congressional district regiment, which was ordered to assemble at Jacksonville, Morgan county. It was composed of one company each from the counties of Cass, Christian, Greene, Morgan, Macoupin, Menard, Jersey, Scott, Sangamon and Shelby. The regimental

officers were Lieutenant-Colonel Amory K. Johnson and Major Jonathan Morris; and Captains, Thomas M. Thompson, from Cass, Co. A; Cyrus Hall, from Shelby, Co. B; A. H. Cornman, from Macoupin, Co. C; Thomas J. Bryant, from Greene, Co. D; Frederic Mead, from Menard, Co. E; Louis C. Reiner, from Sangamon, Co. G; Milton S. Littlefield, from Jersey, Co. F; John W. Meacham, from Morgan, Co. I; Andrew Simpson, from Christian, Co. H; Wm. Camm, from Scott, Co. K.

On May 15th I took command of the regiment, and on the twenty-fifth of the same month, under the orders of Governor Yates, we were mustered into the service of the United States by Captain Thomas C. Pitcher for three years, unless sooner discharged. We remained in camp until some time in the month of June, and took part in the public funeral of Douglas, and were afterwards removed to Quincy, Illinois, and took part in the Fourth of July exercises in that city. On the morning of the 5th of July, we were ordered to Canton, Missouri. A man named Sowers had killed Captain Howell, an internal revenue officer, and we were called on to arrest him. We arrested Sowers; also, James S. Green, a senator from Missouri, whom I had heard in Washington in February, 1861, in reply to Senator Douglas, in which speech he gave the extreme Southern view of the subject of slavery. Mr. Green was an intellectual man, full of resources, and answered Douglas as far as could be done from the standpoint which he occupied.

From Canton I expected to return to Quincy and resume camp duties, but in the meantime the rebels had surrounded Colonel Robert Smith, of the 16th Illinois Infantry, at Monroe, Missouri, and the regiment was ordered to Hannibal, Missouri, and proceeded by way of that place to Palmyra and to Monroe, and the 14th Regiment never returned to Quincy, but was ordered to Brookville, and then returned to Macon, on the North Missouri Railroad, from which place we went to Sturgeon, leaving a battalion at Renick.

On the 31st of July, 1861, I was at Sturgeon, and obtained leave of absence to go home ; arrived there on the 2d day of August ; remained a few days, and rejoined my regiment at Jefferson Barracks, Missouri.

On the 11th day of August, the battle of Wilson Creek having occurred on the 10th, I was ordered to go to Rolla, Missouri, meet the returning force, and cover the retreat of General Siegel, who had retired from the battlefield of Wilson Creek. We arrived at Rolla on the 11th of August, and, with the exception of occasional runs into the country, remained there until October, covering the country. In October, we returned to Franklin, and proceeded to Jefferson City, and finally to Tipton, Missouri. We then proceeded to make the Springfield campaign ; we encamped at Otterville until February, 1862, when all the troops were ordered from Otterville, Smithton and Sedalia, and other points on the railroad, to the Tennessee river, to reenforce General Grant. I was appointed to the rank of brigadier-general on December, 20, 1861, and was assigned by General Pope to the command of the post at Otterville.

On January 1, 1862, I was in command of the post of Otterville, which place was also the headquarters of General John Pope, who commanded a district with rather indefinite boundaries. There was really at that time nothing for an army to do in Central Missouri ; a small mounted force was no doubt necessary to scour the country, keep down the ill-organized rebel forces which were disturbing the public peace and stirring up disorder, inflicting about as much injury upon their real or reputed friends as upon their enemies, and were the nucleus of those bands that later were the scourge of Central and Western Missouri. In fact, the borders of Missouri and Kansas had been, from a time which commenced before the breaking out of the civil war, infested with lawless men, known as Red-legs and Jayhawkers, on the one side, and Border-ruffians, and other like names, on the other.

The crimes of these lawless men had demoralized society and prepared such men as Quantrell, Todd and Anderson, and also created for them the desperate followers who ravaged the country, and, upon any pretext, murdered and robbed, at their discretion. This condition of things produced leaders for the Union men who did them no credit, unless they were useful to fight the Missouri borderers by methods and in a spirit resembling their own. The names of Lane and Jennison and Montgomery are still mentioned with bitter execrations. Enough is known of the horrors of the border warfare to justify the belief, that no spot on earth was ever cursed with more desperate and lawless men than those who carried on a ruthless, predatory warfare on both sides of the line which divides Kansas and Missouri.

I watched the growth of this reckless spirit, and advised, to the extent of my supposed right to speak, that early steps be taken to drive these men from the States of Missouri and Kansas, and something was done in that direction, but the work was not fully accomplished, and the important and more decisive operations of armies in Western Kentucky and Tennessee attracted the attention of the President and the war department, and Missouri and Kansas were in a measure overlooked and neglected.

On January 1, 1862, the Rebel army occupied Bowling Green, Kentucky, with troops pushed forward nearly to Louisville. They had all western Kentucky and Tennessee, occupied Fort Henry on the Tennessee river, and Fort Donelson on the Cumberland. In the latter part of January, General Grant commenced one of the most important campaigns of the war, in which by the middle of February he had captured both Forts Henry and Donelson, forced Albert Sidney Johnston to evacuate all the points held by the Rebels in Kentucky, and finally abandon Nashville and Middle Tennessee; and appearances indicated that the spring campaign would be active and possibly decisive.

All of the troops around Otterville and Sedalia, and at

other points in the vicinity, were ordered to move at once, by rail and quick marches to St. Louis, and thence south, to join the forces under General Grant. I left Otterville for St. Louis, and upon leave of absence, visited my family at Carlinville for a few days, and then proceeded to Cairo and reported to General Pope, whose headquarters were on a steamboat, which the next day went up the river to Commerce, some forty miles above, and then a few days were spent in preparations for subsequent operations against New Madrid and Island No. 10, on the Mississippi river.

I was assigned by General Pope to the command of a division consisting of the 34th, 43d, 46th, 47th and 59th Indiana regiments of infantry, that were at the time I assumed command, at Benton, about ten miles west of Commerce. These regiments were strong in numbers, and were commanded by Colonels Ryan, McLean, Fitch, Slack and Lieutenant-Colonel Scott, respectively. We had been but a few days in Benton, until orders were received to march to New Madrid, which was occupied by the Rebel forces. They also held Island No. 10, which was fortified, and as was thought, commanded the passage of the Mississippi river. We reached the vicinity of New Madrid on March 1st, advanced and reconnoitered the Rebel defenses. I had here my first experience in the business of serious warfare. The enemy's works at New Madrid were in themselves well constructed, but like all works of the kind on the Mississippi river, were built on a plain easily observed and turned.

Our troops soon occupied Point Pleasant, which with artillery commanded the river, and early made New Madrid untenable, and the Rebels abandoned it. After its evacuation I was ordered with my division to move down the river to Riddle's Point. The road to this place led down the river for much of the distance near the banks, and from the high state of the water the Rebel gunboats commanded it with their guns; the water covered the bottom too, so that it was dangerous to leave

the road, which was also for the greater portion of the distance flooded, often to the depth of three feet.

The danger of suffering from the fire of the gunboats made it necessary to make the march at night. We left New Madrid on the evening of March 16th, and hauled with us a twenty-four pound iron gun and ammunition wagon, and reached Point Pleasant in the evening of the 17th, soon after sunrise, after wading half the distance.

In the afternoon of that day we marched about five miles to a point opposite Tiptonville, Tennessee, and during the night constructed an earthwork on the bank of the river for the protection of the gun, and flanked the works with rifle-pits dug in the sand, sufficient for the protection of a regiment. The gun was in charge of a detachment of Iowa volunteer artillerists, and the 47th Indiana were placed in a position for the occupancy of the rifle-pits when necessary.

The point occupied by these troops was one of singular loveliness; around the position was a peach orchard in full bloom, and in the rear were the undulations in the surface made by the great earthquakes of 1818, following each other in almost regular succession at short distances. The narrow elevations with corresponding depressions formed a natural protection for troops at supporting distances from the earthworks and the rifle-pits, while the river, here confined within its banks on both sides, flowed south in a rapid but smooth current.

On the morning of March 18th, word was received at the battery that several Rebel gunboats were steaming up the river, and would soon be in sight. I must pause in the story long enough to describe the scene as it appeared to me soon afterwards, when I caught sight of the leading gunboat around the bend below. The course of the river at that point was from north to south, and the little town of Tiptonville was directly opposite to us on the east side of the river; the sun shone brightly, and the reflection of its rays upon the water gave it an ap-

pearance of clearness and depth which was delightful; and just below were trees beginning to show their leaves, while in the rear were a few farm buildings, and at a small distance was the orchard of the magnificent display of peach blossoms of which I have spoken, and in and around it and near the line of rifle-pits were soldiers looking upon the coming fleet of gunboats steadily approaching with the evident purpose of making an attack. We were then unfamiliar with war in any of its aspects, and knew nothing of the character of the strange enemy which by this time had increased to five. The leading boats, when a short distance below us, for some reason threw a few shots into the woods, and then, probably discovering the infantry, moved out towards the middle of the river, and our little body of artillerists fired a shot at the leading boat, which we could see struck the water ahead of its object, and then *ricocheted* away towards the other shore. Then came the return shot, and at the flash the men leaped into their rifle-pits and disappeared, and then followed shot after shot from the guns of each of the boats and the steady roar of our single piece.

Two of the boats soon appeared to be crippled, moved slowly down the river, and took no further part in the combat. Once the boats moved in the direction of the shore, but the musketry from the rifle-pits convinced the enemy that they could not safely land. How long the cannonade continued I cannot tell with exactness, but after awhile our gun ceased firing, and upon going to the battery, I found the gunners completely exhausted lying down beside their piece.

The gun was struck near the muzzle, but not seriously damaged, and after a few more shots directed towards the rifle-pits, the enemy started down the river. It is remarkable that, though more than a hundred shots were fired from the gunboats, not a man on our side was injured, nor do I know that anyone on the boats was hurt. After that affair the gunboats of the pattern then in use were no longer objects of apprehension to us, and

they never again to my knowledge appeared above Fort Pillow.

A day or two afterwards, an Ohio regiment reached us with another twenty-four pound gun, and the two were placed at a point further down the river, in order to cover the landing below Tiptonville, and prevent the landing of transports to carry off the troops if they should attempt to escape from Island No. 10. Transports frequently attempted to approach the landing, but our artillery fire kept them away, and in the meantime our gunboats continued to shell Island No. 10 from above, and General Pope completed his preparations to cross the river with his forces and capture it. On Saturday night, March 19th, Captain Walk with the gunboat Carondelet ran past the Rebel batteries on Island No. 10 without injury, and appeared on the river below. The passage of the Rebel batteries by the Carondelet changed the whole face of affairs. On Sunday, he came down the river opposite my camp and invited me to come aboard and return with him up the river to New Madrid, and on the way point out the Rebel batteries. We found one about three miles above my camp, and but one. It was a single twenty-four pound gun protected by a slight earthwork. The Carondelet was a turreted ironclad of a pattern lately introduced, and we landsmen for the first time witnessed the operations of the floating battery against the one on land. The boat made quick work of it. It moved up in short range, and with a few shots, which sent the earth around the ears of the artillerists, drove them from their gun.

A party was sent ashore to spike the piece, and we went on our way up the river to New Madrid. The next day General Pope crossed the river with his forces and captured Island No. 10, with a large amount of arms, artillery and a number of prisoners.

During the time that my command was in camp at Riddle's Point, one incident occurred which first taught me the sincerity of the friendship of the negroes for our

armies and the value of their assistance, especially in minor matters in a country like that in which we were then operating. The fact has already been mentioned, that from the stage of the water in the Mississippi river the lowlands in the bottoms were overflowed, and in addition to this the creeks and sloughs were full, so that reconnoissances and scouting parties, necessary to our safety, were unable to move any considerable distance without boats or other means of crossing them. The Rebels had removed all boats and skiffs which could be found on the west side of the river. I sent out parties in search of them, and made extensive inquiries, but was unable to find one, and had abandoned the expectation of doing so, when one night a colored boy, who had escaped from the Rebel works and come to our camp, and had guided my command on the night march from New Madrid to Point Pleasant, told me that he knew a man who could find for me what I wanted. I told him I must see this man, and then he left me. Within an hour he brought to my tent a negro man, who seemed anxious to conceal his visit to me. After answering some questions as to his name and residence, and some other matter of like character, and inquiring of me in what direction I desired to send my party, he said he could find such means of transportation as the party needed, but his agency in the matter must not be known, and pointed out the danger to himself which would follow the discovery by any white person. The next day one of my scouting parties found no difficulty in crossing streams or bayous. The necessary means of crossing were ready when needed ; where they came from no one seemed to know, and I was informed that after the parties had used them they disappeared as if by magic.

I have rarely met a more remarkable person than the negro referred to ; his exact age was of course to me uncertain, but he seemed to be approaching middle life. He was not tall, but was athletic ; his head was large, and his eyes were overhung with heavy projecting brows ;

his manner was grave almost to sadness. He was a pure negro, beyond doubt, and, as almost all the ambitious negroes were, he was a preacher. I found all over the South that, as the only thing resembling a profession open to the slaves was the ministry, a very large number of them became preachers, and, by virtue of the position, leaders of their people.

As a class the preachers were regarded with jealousy by the slave owners, but they were often useful to them as teachers of the religious duty of the slave to obey his master. The man to whom I refer had often no doubt (especially in the hearing of white people) preached to his race from the choice texts of the slaveholder's gospel: "Servants, obey your masters," etc., but he furnished evidence by his language, and more forcibly by his conduct, that the iron of hopeless servitude had entered his soul, and that he would be prepared, if ever the hour should come when it was necessary, to shed blood to rid himself from bondage.

I occasionally met among the blacks men somewhat like this one, but none that I thought his equal in craft, cunning, or capacity. He was useful while he remained in the neighborhood, and I know but little of his subsequent history. On March —, a part of my command was sent to Tiptonville, and with two of my regiments, and nearly all the forces commanded by General Pope, I descended the river. The ostensible object of the movement was the capture of Fort Pillow. We reached a point a few miles above the fort with a fleet of transports, and after remaining there two days, without landing more troops than were necessary to guard the boats, orders were received to return up the Mississippi to the mouth of the Tennessee, and up that river to Hamburg, where the force under General Pope was landed, and became the left wing of the army, which, under Halleck, was then, and for a month afterwards, engaged in digging its way to Corinth, Mississippi.

As soon as the forces were landed, I was assigned to

the command of a brigade of the first division of the Army of the Mississippi. The second brigade was commanded by that fine soldier Brigadier-General James D. Morgan, and General E. A. Paine commanded the division.

Very soon after I was assigned to a command, I moved to the front slowly, only keeping pace with the movements of the army. The enemy occupied Corinth with his whole army; we moved out by slow marches, frequently encountering small bodies of Rebel troops that were being driven before us until we reached the east side of an extensive swamp which lay between us and Farmington, Mississippi, and probably six miles from Corinth.

We remained in camp a few days until the roads across the swamp were constructed, and on May 9th I was ordered, with other troops in support, to make a reconnoissance in the direction of Corinth. We advanced close to that place until we discovered an earth-work on a hill to our front and then fell back slowly. Soon after we commenced the return march, I discovered a Rebel force on both flanks, who made a determined effort to cut us off, and then for the first time I learned the superiority of the repeating arms such as we then possessed, over the muskets then in use.

Two companies of the 42d Illinois were armed with Colt's revolving rifles. These companies were placed on the flanks of their regiment, and opened fire upon the forces opposed to us. The effect of this rapid firing caused the enemy to fall back, while we moved forward and took a position on the hill east of the creek, and in the direction of the camp. The Rebels attacked us with a good deal of earnestness at first, but as our forces were partially concealed, they were not willing to engage us closely; they returned in the direction of Corinth, and we returned to our camp on the east side of the swamp, but pickets were left well advanced west of the swamp, with a brigade to support them.

The next day I was made general officer of the day, and was ordered to advance to Farmington with my whole command and occupy the village. I ordered my command to move, and rode forward across the swamp, in the direction of Farmington, to visit the pickets, as was my duty. I proceeded, accompanied by a single orderly, and overtook and passed a large company of the 14th Michigan Infantry, under the command of Captain Fitzgibbon, a jolly Irishman with whom I was acquainted. This company was on the march to relieve the pickets who were posted on the west side of a cleared field which had to be crossed by us. I reached the hollow south of the field, and had ridden until I had got to its head, when I was fired upon by a squadron of Rebel cavalry. I rode back at full speed, entered a hundred yards ahead of my pursuers, and reached Fitzgibbon, who with great presence of mind, gave them a volley which emptied several saddles, and sent them away in a hurry. I had barely again reached the table land, this time accompanied by the infantry, when I heard firing on the picket line, and noticed the pickets coming in across the field, and soon saw infantry skirmishers coming out of the woods from the direction of Corinth. I rode back to my brigade, which had crossed the swamp and were well advanced in the direction they were ordered to move. I pushed the 27th Illinois forward towards the point at which I had met Fitzgibbon, moved the 22d Illinois to the front of a point of woods on the right of the 27th, moved the 51st Illinois to the left of the 27th, and left one battalion of the 42d Illinois to cover my left, and placed the other battalion of the same regiment along the edge of a wood to cover my right, and placed Hiscox's battery near the center, to command a force of infantry which by that time were passing east, with the apparent purpose of turning my left.

I made my dispositions with much more composure and confidence, though this was my first battle, than I ever felt on later fields. I had four good regiments of

Illinois men, of an aggregate strength of some twenty-four hundred ; I had a battery of six pieces—four “Parrots” and two twelve-pound howitzers. I did not stop to count the enemy, but was confident of victory. I proceeded to ride along the front of my troops, and gave them the orders which veracious history tells us are usually given by great generals on the eve of a battle. I told them to “stand firm,” and withhold their fire until they could “see the whites of the enemy’s eyes ;” to “fire low,” etc. It is needless to repeat all that I said, as much of my eloquence may be found in almost any well-written military history.

When the firing commenced, I had noticed a force of the enemy advancing towards my right ; I expected them to be met by the battalion of the 42d Illinois, and hoped for support in that direction from a brigade of Stanley’s division which I had passed soon after crossing the swamp, so that I did not doubt that they would be repulsed. Another force which emerged from the woods into the open field to the front of the 22d Illinois, and those who appeared some time before to be moving east from Farmington to my right, changed their direction, and marched north, towards that part of the line occupied by the left of the 27th and 51st, and one battalion of the 42d. The state of my feelings may be guessed, when, soon after this time and the firing had become general, a messenger from General Pope rode up and inquired about the state of affairs, I wrote with a pencil : “I can hold my position against the world, the flesh and the devil.”

It seemed to me that I had at last found the opportunity I had waited for, and, with great confidence in my men, I expected to win a victory.

I was with the 22d Illinois opposing the force that came on the Purdy road. As these troops came out upon the open field, they, without perceptible halting, formed line of battle, and moved steadily upon us. When within what seemed fair range, we opened fire upon them, and,

as I observed the steady fire of my regiment, I expected to see them thrown into disorder, and, perhaps, break and fly, but they did not seem to be in the slightest degree disturbed, but steadily advanced. Soon after, a battery was pushed through one of the intervals in the line and opened upon us. For a few minutes I felt, and think my men also felt, as raw troops always do when first exposed to the fire of artillery, "very much as if they wanted to get away from there!" Soon, however, I discovered that the noise made by artillery is altogether out of proportion to the mischief it does, and, satisfied with the appearances there, I rode to the left, where the fighting appeared to be very close and desperate. Here it also seemed to me, from the appearance and steady advance of the enemy, that my fire was not so effective as it ought to be. I rode to Hiscox, and said: "You don't seem to strike them; turn your howitzers upon these rascals who are coming down that point," and I pointed to a mass descending a hill to our front, at a distance of possibly four hundred yards. He said: "General, I will hardly have time to get my guns off the field." "Get your guns off the field! what do you mean?" He answered: "Good God, general, just look?" I did so, and saw a line advancing upon the whole semi-circle from the northwest to southeast. "Give them one anyhow!" I shouted. He did so, and moved off in a gallop; and when I turned I saw my whole line rapidly retreating, pursued by the enemy. I rode some two hundred yards until I reached the head of the retreating troops, seized the flag of the 27th Illinois, and shouted to the men to "rally round the flag." Many of them looked at me as they passed, without stopping; some halted and made a slight effort to rally their comrades. While this was going on, and everything was in confusion, and my own troops were hurrying towards the swamp, I received a blow from a fragment of a shell on the large muscle of the left arm above the elbow, which, for a moment or more, engaged all my thoughts; the effect was to be-

numb the arm so that it fell to my side ; it seemed to me that the bone of the arm was crushed into fragments. I remember that I reached around, and with my right hand grasped my left wrist, and slowly raised it to a horizontal position, then let it go ; it remained so, though it tingled its whole length. I uttered a shout that attracted the surprised attention of my men, and seeing that the enemy had passed the timber which had been occupied by my troops on the south around to the west, I rode down towards the point where the road leading to camp entered the swamp. On my way I passed a few companies of the 47th Illinois in line, with their left approaching the road referred to, and about that time the 42d Illinois came up from the south to the same point. The enemy, evidently under the belief that our troops had all retreated beyond their reach or apprehension of an ambuscade, came on so slowly that I had time to put the 42d Illinois troops in a favorable position before they came up. The portion of men referred to formed a triangle, the road cutting the woods at a point most distant from the enemy. I saw a party away to the left moving east as if they intended by a detour to interpose between us and the camp, but, being familiar with the ground in that direction, I knew the movement could not be successful. I could hear firing to the right somewhat in advance, but my only fear was that the enemy would cut off part of the 42d Illinois, which had been sent in that direction, which in fact they did ; but in my front was an open field much higher than the ground we occupied. I could see nothing of the enemy, though two or three batteries, as we judged from the sound, were using shells and grapeshot, which nearly all passed over our heads. They were evidently attempting to reach the causeway over which they knew we would retreat. While waiting for a report from Major Swanwick of the 22d Illinois, whose regiment, having left the field, returned and joined me, and Lieutenant Childs, one of my aides, whom I had sent to the left to learn

the character of a force which had halted in the shade, and so made it impossible to make out their uniforms, I ordered a drummer boy standing by to climb a tree near to see what the enemy to my front was doing. He reported that they were coming, and had hardly descended when he was struck by a grapeshot on his left breast and killed within a few feet of me. I had but a moment to examine the little fellow and order him to be carried off the field, when the Rebels appeared in a confused mass, denouncing us as cowards, and telling us to "run," in language which I cannot repeat. They had come into full view and were at short range, when a volley was fired from the two sides of the triangle before described. I have rarely seen so much damage done by a single volley. I could see men and horses in confusion, and we took advantage of the delay occasioned and filed into the road and moved off.

Colonel Roberts, of the 42d Illinois, halted one of his companies at the bridge over the creek which flowed through the swamp. A few, perhaps a battalion, of the enemy followed to that point, but were driven back by the rapid firing of the revolving rifles, with which that company was armed, and I marched into camp in the rear of the 42d Illinois, which was in excellent order. I had never seen the rear of any force during a battle, and though all of my troops that were not killed or wounded and left on the field from which we had been driven, were in good order in advance of that part of the 42d Illinois with which I came into camp; but I was greatly disgusted when I reported to General Pope, and met the laughter of the general and officers around him, at the result of my boast, by saying that I was able "to withstand the world and the flesh, but the devil was too much for me!" and then added I had met a superior force and left the field in good order, to be told that my men had been coming into camp for three hours on the run, reporting everyone but themselves killed or captured, and to this was added the further

statement, that if they had not been stopped in camp, one-half of them would have continued running until they reached the Tennessee river! I resented this imputation upon the courage of my troops, but I am satisfied that a great many of them left the field very early.

This conclusion is, however, largely the result of my subsequent observation. This affair illustrates the fact that the mutual ignorance of opposing forces on a battlefield produces some strange results. The Rebels in Cornith undoubtedly learned during the night of May 9th that one of our brigades was on the west side of the swamp, and their movement was directed against that brigade; they were no doubt disappointed when they met my brigade in motion, so much in advance of where they had expected to find the brigade that had attracted their attention, and from that circumstance probably supposed that a much heavier force was within supporting distance. Nothing but this or some other unexplained reason made their movements slow; they had upwards of ten thousand men in the field, and if they had moved rapidly as might have been, expected nothing could have prevented them from capturing my brigade or cutting it in pieces. Perhaps as it was I am indebted for my escape to an opportune charge made by the 2d Iowa Cavalry, commanded by Colonel Hatch under the orders of General Paine, who, discovering that I was hard pressed, ordered the cavalry charge to divert the attention of the enemy.

At all events, the cavalry charged, and scattered the infantry supports. It was gallantly done, and no doubt checked the enemy's advance upon my right, and made it possible for me to give them a staggering blow as I left the field. We lost a good many men in this affair, and several valuable officers were killed; among whom was Lieutenant-Colonel Miles of the 47th Illinois. Like many volunteer officers early in the war, he felt it to be his duty to expose himself to danger in order to give

his men confidence in his courage ; it cost him his life, and deprived the country of a promising officer.

Within a few days after this affair, General Pope's command, which was still known as the Army of the Mississippi, moved forward to a position near Farmington, Mississippi, and as he approached the enemy near Cornith, my duties were pressing, and often fatiguing. I had frequent affairs with the Rebels' reconnoitering parties, but my last day's service was that of general officer of the day, on Sunday, May 29th. On the morning of that day I rode along the line of pickets, which was very near the enemy and was exceedingly dangerous from the number of sharpshooters.

In going down from the right to the left along the line, a young lieutenant of a Michigan regiment riding by my side was shot through his body, and died within a few minutes. I proceeded still further south, and again passed a point much infested by the sharpshooters ; one fellow was extremely watchful, and was a fine shot. Anxious to find his exact position I left my horse, and went forward to a tree, and undertook to look for him ; he caught sight of my hat, fired, and missed, but one of our sharpshooters some distance to our left caught sight of him as he fired at me and hit him fair ; we saw him spring forward, and heard from him no more.

Once during the day the Rebels shelled the picket lines, but made no impression. Late in the evening I returned to my quarters ; I had eaten no dinner, but felt so heavy and drowsy that I lay down, and as I did so I said, "If I am asleep when supper is ready do not disturb me." I fell asleep at once, and in the night, at what time I do not know, I thought I heard firing on the skirmish line. I attempted to rise, imagining I had received a bayonet thrust in my left side, and have no recollection of any event which occurred for many days afterwards.

I had observed for sometime that there was much

sickness and many deaths in my own command, but anticipated no danger for myself. In the morning of the day I was attacked by illness, I felt as well as any time for many months; I noticed at noon that I had no inclination for dinner, and about the middle of the afternoon I had experienced a sense of weariness for which I could not account; I rode to my tent, and felt a slight chillness, then fell asleep, and was aroused as before stated, then became unconscious. When I recovered consciousness, Dr. Fitch of the 42d Illinois was near me, and he said, "He is all right." I asked in a whisper "What is the matter?" His answer was, "You have had a close graze," or some such expression. I thought from the excessive soreness in my side that I had received a wound, and did not know to the contrary until several hours afterwards, when told that I had pneumonia.

On May 13th, I was assisted to mount my horse, to take part as I supposed in a battle for the possession of Corinth; for once in my life I was absolutely indifferent to death. I rode to where my command was in line, ready to advance if required, and while waiting the report reached us that the enemy had evacuated the place and were in full retreat. I was then lifted from my horse and laid upon the rail roof of a shelter made by the pickets; I was taken again to my tent, saw my own troops move off in pursuit of the enemy without me, and felt that the war was over as far as I was concerned.

Some of the officers and men who knew my situation called, looked in, spoke a few words of sympathy, and in doing so left upon my mind the impression that our separation was final. I am quite sure that those who saw me believed that I would die, for there were few who recovered from such an attack as mine. I remained in my tent until the next day, and was then placed in an ambulance and removed to Hamburg. A steamboat was on the point of leaving for St. Louis; it afforded comparatively comfortable accommodations for

me, and I was at once placed on board, and soon moved down the Tennessee and Ohio rivers to Cairo, and then up the Mississippi to St. Louis. I have no recollection of the scenery along the river nor the difference between the days and nights of the passage; I only know that at St. Louis I was taken from the boat to a hotel, and that I was placed in one of the cars on the railroad. I do remember that at Godfrey I saw a wheatfield nearly ready for the harvest, and thought that I had never seen anything more beautiful. I reached home on June 5th, and with the attentions bestowed upon me, I at once began to improve. I had not remained at home long before I saw enough to convince me that home life during the war must have been to others who were unable to join the army, of all conditions most miserable; the people were divided into hostile parties, who not only disliked but feared each other. The ardent Union men had formed a secret political society, as they said, to oppose the "Knights of the Golden Circle," and other disloyal societies, while as I could readily discover, there was a large number of conservative men, who though alarmed by the sign of the times, were active in their efforts to control the violent and rash, and preserve public order. I have always opposed secret political societies for reasons which seem to me unanswerable, and my observation of their influence during the war, confirmed my dislike for them. The secret leagues of Union men during the war were dictated by the timidity of the Union people, and after they were organized, their proceedings so far as I am informed, were lawful and proper, and if they had been made public, would have been understood and would have excited no apprehensions, nor could they have been misrepresented by those who sought to induce the people to enter organizations of a questionable character. I do not attempt to describe other political organizations of whose existence I was informed, but I was satisfied that they were unnecessary and believed them to be dangerous. I exerted myself to induce my neigh-

bors of all parties to abandon the secret societies to which they were supposed to be attached, but I imagine that my efforts were not successful to any great degree, for I was told before I left home again for the army, that my reported opposition to a secret society of the Union men led some to express doubts of my loyalty to the Union cause. I invited one of the gentlemen who questioned my loyalty upon that ground to return with me to the army ; he declined upon the ground, not apparent to others, that his health was too feeble to permit him to be a soldier.

CHAPTER XII.

Retreat to Nashville—Mr. Slate—Pulaski—Major McKittrick discovers a friend—Arrive at Nashville.

I remained at home until August 26th, when I started on my return to rejoin my command, which was then at different points upon the Memphis and Charleston Railroad between Tuscumbia and Decatur. On reaching Tuscumbia, I was assigned to the command of a division of which my brigade was a part, and relieved General E. A. Paine, its former commander. Brigadier-General James D. Morgan was in command of the first of the brigades, and Colonel Geo. W. Roberts, of the 42d, succeeded me.

With the command of the division, General Paine turned over to me orders from General Grant, who by this time had become the commander of the Army of the Mississippi, directing the division to march by the way of Athens and Madison Cross-roads to Dechard on the Nashville and Chattanooga Railroad, and there report to General Don Carlos Buell, who, on the west side of the Cumberland mountains, was watching Bragg, who had concentrated the whole of his army at Chattanooga. Morgan's brigade crossed the Tennessee river at Florence, and on September 2d, I started by rail to Decatur to collect Robert's brigade at that point, cross the river, march to Athens and join Morgan's brigade, and, with the whole division, march to join Buell, as contemplated in my orders. The direction of my march was changed by an accident singular enough to describe. Morgan reached Athens, September 5th, the day before my arrival, and when I joined him I found a well-dressed and very quiet looking citizen under close arrest near his headquarters, which Morgan explained as follows:

Soon after his arrival at Athens, he received a well written, anonymous note, which described a man named Slate as "a very dangerous person." Morgan was advised to arrest Slate, and assured that if he did so and would use proper means of compulsion, he would furnish valuable information. The writer professed to be a devoted Union man, and insisted upon the prompt arrest of the person named Slate with great earnestness. A squad of soldiers was at once sent to the store of Slate, who was a dealer in flour, bacon, etc., and he was arrested and brought into camp. He was followed by some of his neighbors and acquaintances after his arrest, who spoke of him as a quiet, peaceable man, but when he found an opportunity to speak to Morgan alone, he said he was a native of Ohio, who found himself in Alabama at the breaking out of the war, and since that time had found no opportunity for escape to the North. He then said that two days before a courier from General Buell to the commander of my division was captured near Athens with dispatches announcing that Buell himself had fallen back to Nashville. The information with regard to the change of General Buell's plans seemed sufficiently startling, but it disclosed to me the fact that I had a march of more than a hundred miles before me, my route infested with Rebel cavalry, and an uncertain force of infantry at no great distance to my right, who might easily place themselves on my road to Nashville. After securing this information, I knew there was no time to be lost. Ostensibly to punish the recreant Ohio man, we seized his whole stock of flour, bacon and whatever else he had, and after valuing the stock with a great show of fairness, gave him a voucher for the amount of its apparent value, payable upon proof of his loyalty, and to make his punishment apparently as harsh as possible, we took him with us as a prisoner. It is hardly necessary to add that whatever show of opposition he made at first, we had no difficulty in keeping him with us. After an hour's march, he disclosed his true character,

said he had written the letter himself, and soon after we arrived at Nashville, his vouchers were paid in full without additional proof of his loyalty.

The difficulties of the march from Athens to Nashville were greatly increased by the fact that the quartermaster at Decatur had undertaken to send under my protection to Nashville a large number of wagons loaded with property which would otherwise have been destroyed or abandoned. Several hundred loyal men with their families from the hills south of the Tennessee river had joined me in order to reach the North and escape Rebel conscription. I had also with my column one hundred or more convalescents from the regiments that remained with General Rosecrans, and a numerous crowd of negroes of all ages and sexes, who, in spite of all my exertions to prevent them, had crossed the Tennessee river on the ferry-boat which I had used in crossing my men. Thousands of them were collected on the south bank of the river hoping to cross. The wail of the poor creatures was piteous as the ferry-boat, fired by my order when the last of my troops had crossed, passed down the river in their sight wrapped in flames.

On Sunday morning, September 7th, I moved out on the road from Athens to Elkton, by way of Blowing Springs, with nine regiments of infantry, two six-gun batteries, an escort of about fifty cavalry, and more than a thousand non-combatants, composed of convalescent soldiers, loyal Alabamans and negroes, as before stated.

As I anticipated, the route was infested with bands of mounted Rebels. Information of my situation as well as of my orders were in their possession, and it seemed to me that all the male inhabitants of the country who could raise a horse and shot-gun were out on that Sunday morning "hunting Yankees." We brushed them from our road when they confronted us, but they were numerous and troublesome.

We moved in good order and at a steady pace until

we reached "Blowing Springs," of which I have spoken, where we halted to close up the column. Blowing Springs—why so called I never knew—are a number of large and beautiful springs situated in a deep valley which opens to the north and terminates in the valley of Elk river, which we were approaching. After entering the descent into the valley where the springs are found, the head of the column marched about half a mile, so that when halted it extended along the road which was overlooked by hills at no great distance.

A very exciting and as was thought by others an amusing incident occurred to me while the men were resting in what seemed to us all a very comfortable and safe position. After we halted I saw near the road a handsome log house, in the door of which stood a remarkably comely, neatly-dressed woman. She appeared so polite and good natured, that I crossed the little fence that stood in front of the house and commenced a conversation with her. We were soon both standing in the door facing each other, when suddenly the Rebels on the hill west of us opened fire at not more than a hundred yards distance; with the report the shot rattled against the fence and side of the house; she sprang inside and slammed the door, and as I was next to the hinges the closing door pushed me out of my place and against the fence. The firing wounded two or three men, but upon our return of the fire they fled. Upon reaching the place the Rebels had occupied we found two guns and a revolver, "signs" indicating that probably we had done some execution.

We resumed our march and crossed the Elk river about the middle of the afternoon at Elkton, where we struck the turnpike from Elkton to Nashville; I had never marched upon a turnpike before, and was delighted with its smoothness and the ease with which the whole column with a long train of wagons was kept closed up. Near sunset we reached Buchanan's creek, about six miles from Pulaski, Tennessee.

The site of our camp for the night was an exceedingly pleasant one; it was well watered and situated so that it could be easily guarded, and we prepared for a good night's rest after a march of upwards of twenty miles. It was about ten o'clock in the evening when a negro man was brought in by the pickets; he reported that a Rebel force, commanded by Colonel Biddle, were at the Fair Grounds near Pulaski, and that they expected, as he expressed it, to give us some trouble next morning.

I had no great respect for the forces he spoke of, and determined to surprise them about day break, instead of waiting for them, and accordingly Colonel Roberts with two regiments of his brigade left the camp about midnight, guided by the negro man mentioned, with orders to push on to Pulaski, and make his attack as soon as he could reach the enemy. He reached their camp at daybreak, as was expected, but they had been warned of his advance and did not wait for him. He only succeeded in capturing a few prisoners, a large mail and a breakfast, which the people of the neighborhood had prepared for them.

On September 8th, we marched early and reached Pulaski about nine o'clock. I called upon the Hon. Thomas Martin, with whom I had become acquainted at Washington, while attending the Peace Conference in 1861, of which body we were both members. He received me kindly, and satisfied me that he had no sympathy with the Rebellion, though his situation compelled him to acquiesce in the general sentiment of the people around him. I breakfasted with him, and when I took leave I felt that his situation was pitiable; he was advanced in life, and had large property in the town, and naturally felt apprehensive for its safety.

I noticed when we entered Pulaski that there were many persons on the streets dressed in citizens clothes, who watched us as we passed through with apparent unconcern, but who were in fact, as I then supposed, a

part of the men whom Roberts drove out of their camp that morning.

They had made slight changes in their dress and had washed themselves, which had probably done as much to change their appearance as anything else. I was extremely distrustful of them, for they attempted to capture the small guard that I left in the town to prevent mischief by stragglers. After moving out from Pulaski a short distance, I witnessed one of those scenes that try men's patience severely without affording an opportunity for redress.

At about that distance from the town we passed a cotton mill by the roadside. It was a two-story frame house, with perhaps a dozen windows on the side next the road, and from each of these windows there peered as many heads of women as could crowd into them. They hissed as we passed, and some of them screamed, "Run, you cowards; they'll catch you before you get to Nashville," with many other things of like character, pleasant to listen to. I stopped a moment in front of the building, provoked, I confess, but after listening to them a few moments, I said: "Ladies, do you know that nearly every one of these men carry matches in their pockets; this building would burn nicely!" They took the hint, and we heard nothing more from them.

A few minutes after this scene I heard firing up in the town, and upon riding back a short distance I met my guard, which had been left in the town for its protection, retreating pursued by some of the same citizens whom I had seen before leaving town. The temptation to march back and burn the town almost overpowered me.

We marched forward, however, and in the afternoon were attacked by a force of six hundred mounted men. They killed two of the negroes who were following me, and stampeded some of the teams; one of the wagons broke down and was burned with its contents.

We reached Lynn creek after a march of twenty miles, and camped early in order to bring up the wagons and

collect my miscellaneous followers before dark. It was evident that the Rebels were increasing in numbers and audacity. Impressed by this information as we passed Spring Hill, a small village, I ordered Captain Ranney of the 42d Illinois, to seize all the horses he could find, and mount his company. Ranney did this successfully, and soon had them mounted, and some of the men, not included in the order, "got something to ride."

They brought into the line, as one of them said, "everything that had hair on 'em," stallions, brood mares, two year old colts of both sexes, and one good-looking fellow got hold of a "jack," which he rode bare-back and guided with a halter. We marched about three miles further and halted near an excellent spring, which was just outside the camp, and the Rebels "ambushed" it, and wounded one or two men who went to the springs for water before we discovered them. A volley of musketry into their covert scattered them, and upon going to their hiding place we found they had suffered more injury than was inflicted upon us.

Awhile before sunset, after we had made arrangements for the night, the picket brought in a stout, portly gentleman, pretty well mounted, who announced himself as Major McKittrick, and told me that he had followed me to induce me to give up his "stock." He described a number, four or five, to be mares that had suckled colts during the summer, and fillies, all "blooded." Luckily for the major, I had noticed his animals, and regretted that they had been taken. It was easy for him to obtain my consent to restore them. He wanted to take his stock at once and return home, but I invited him to spend the night with me. He declined very politely, but when I informed him that I would be compelled to insist upon his remaining, he submitted quite cheerfully. He took his supper, talked quite freely, and after awhile we discovered that we were relatives—"kin." His mother and mine were of the same name, and came from Culpepper county, Virginia.

Having these facts to start with, Virginians and Kentuckians will readily understand that it was not difficult for the major and myself to supply the "missing links." This was not the last time I met "my cousin," the major, for after our arrival in Nashville, most of the animals we had captured on this occasion were useless, and while wondering what could be done with them, the major came in one day with a number of majors and captains, who like himself were too old to go into the Rebel army, and were therefore loyal. They claimed the stock, proved their title by the major, who was understood by them to be my kinsman; they dined with me, took their animals, which I returned at the major's request, and left Nashville for home. I confessed, however, to my cousin, that the scarcity of forage in Nashville had its influence in making me liberal.

The march next day was an exceedingly lively one; the Rebel forces were still increasing, and fired upon us from every favorable position they could find. The excellence of the turnpike enabled me to keep the wagons of my train close up. My non-combatants were by this time foot-sore and weary, but were placed at intervals in the column; the weakest and most helpless were put in the wagons, while, with a heavy rear-guard and strong flanking parties, we were able to keep the enemy at such distance that they did us no great harm.

As we approached Columbia, they pressed us with so much force that Roberts' brigade halted, and formed a line of battle to cover our crossing of Duck river; they did not choose to attack him, so we crossed the river safely and camped.

As we moved off the next morning, the Rebels from the south side of the river commenced firing upon us. Anxious to get my column of wagons and crowd of people, who were badly demoralized by the attack, out of the range of the Rebel fire, I left General Morgan, with his brigade and Houghteling's battery, to deal with them, and prepared to meet trouble at Rutherford's creek, the cross-

ing of which was about three miles ahead, and was occupied by the enemy, with what force I did not know. My guides had described this place as one that could be so occupied by the Rebels as to give much trouble, and, when I had reached and examined it, I found they were not mistaken.

The road passed through woods as it approached the crossing of the creek, and then descended abruptly to a bridge which the Rebels had neglected to destroy, and an embankment of considerable height extended from the north end of the bridge across the bottom, and the whole length of the embankment was easily commanded by the fire of the enemy at short range from woods on both sides.

When we discovered that the bridge was safe, we prepared to clear the woods on both sides of the road. I knew we had no time to lose, for I had heard that Forrest was near Fayetteville, at some distance to my right, and all signs proved that the Rebel forces around us, though not of a very dangerous class of troops, were steadily increasing in numbers. I determined, therefore, to clear the woods on both sides of the bridge "on the run." Roberts, one of the most gallant of men, divided his brigade, charged into the woods, and cleared them at once, but still, shortly after Roberts had passed, the Rebels again got possession of the wood, attacked a portion of the train, stampeded some of the colored drivers, who left their teams, several of which ran off the embankment, turned the wagons over, and produced a great deal of confusion.

Morgan had come up in the meantime, and he again cleared our flanks of the enemy; order was restored, the wagons were righted up and we got in motion again. After marching a few miles, I was party to an incident that was important to me at the time, though I did not fully credit the information thus obtained and acted upon, until 1865, I found corroboration that I could not dispute.

As I rode along the side of the public road, which was occupied by the marching column, I observed an apparently old man standing inside the yard of a house which was separated from the road by a common fence. He was, when I first saw him, gesticulating with violence, and, as I came near enough to distinguish his words, he was saying the most abusive things to the passing men, who seemed, for what appeared a good reason, to pay no attention to him. At first glance he seemed to be drunk, but, fearing that some of the men might lose patience and resent his conduct, I stopped and told him he was running a great risk, when he turned on me, and said he was "not afraid of me or all the — Yankees in the world;" and then, lowering his voice, said: "A man left here last night to notify Forrest, who is at Fayetteville, to meet you at Hollow Tree Gap," and then, without waiting for an answer, he commenced again in a loud voice to denounce the Yankees, and wish them all in a place supposed to be too hot for comfort. Surprised at his conduct, as well as his language, I waited a moment, and he repeated what he had told me, and then moved away, muttering as if he were still in a passion.

"Hollow Tree Gap" is a dangerous gap in the hills between Franklin and Nashville, of the character of which I had some knowledge. Impressed by this information, I camped that night on the Harpeth, a few miles south of Franklin, in a beautiful beech grove. The Rebels attempted to drive in my pickets during the night, and made some show of strength the next morning, but as their numbers seemed less than they had been, I supposed that the body of their forces had gone forward to the "gap" to await our coming. We reached Franklin about nine o'clock, and as usual in passing through our route found the streets crowded with men, having the equivocal appearance with which I had become so familiar.

As my train and crowd of followers moved slowly, many of them footsore with their long march, and would

be likely to fall behind, I determined to take security for their safety. Major Scarret, my provost-marshal, took some fifteen or twenty of a group of respectable looking men prisoners, among them John Marshall, an old lawyer of the place. I then told the people that my teams and stragglers would be some time passing through the town, and in the meantime I would hold the men captured as hostages; that I would cross the creek north of the town, put my artillery in position, and would shell the town if I heard a gun fire, and would hold the hostages responsible besides. I added that in the meantime the men captured should be treated respectfully, and released as soon as all my wagons and people came up without injury. There was some demur to this, but I told them their neighbors would not be harmed if they behaved themselves.

My guns were put in position north of the creek. I waited, perhaps, an hour with my guests, who seemed a little apprehensive, but the wagons and followers had by that time all come up safely, and I parted with my prisoners, both parties pleased, and rode on to overtake my advance guard, which, without halting, had pushed forward to the "Gap," so as to be sure of its possession. I heard firing in the gap as I came forward, but it was so light that I was satisfied that there was only a small party opposing us. We made no halt but pressed on through into the open country, and then all felt that the march was practically ended.

I then supposed that the old man on the roadside had trifled with me, and remained of that opinion until 1865, when on the cars between Mitchell, Indiana, and Louisville, Kentucky, I met a man who, on hearing my name, asked if I was the officer who marched from the Tennessee river to Nashville, in 1862. When told that I was, he said: "You came very nigh having trouble in getting to Nashville that time. I was one of the men that went to get Forrest to come and intercept you." I found that he went from the neighborhood where I had

obtained my information in the curious manner already described. I told him that I had knowledge of his trip, but I did not gratify his curiosity by confiding to him the source of my information. On September 12th, immediately after we halted south of Nashville, I rode in to report my arrival, and found General George H. Thomas, with whom I then formed an acquaintance which afterwards ripened into a friendship that only terminated with his life. I will hereafter speak of that great soldier, patriot and true gentleman in such terms as I can best employ to express my estimate of his character. He informed me of the march of General Buell into Kentucky to meet Bragg, who seemed to be moving as if he intended to reach and perhaps cross the Ohio river; that he had written orders to push his own troops to join Buell, and that my division with that of General Negley, who would rank me, would occupy and hold Nashville until we were relieved by the return of the army from the campaign in Kentucky.

We moved in position in Nashville on September 15, 1862, and from that time until the arrival of the army under Rosecrans, early in November, we were cut off from all communication from the North. During all that time I had no letter from my family, nor did I see a paper published outside of Nashville.

My time passed pleasantly, however. I met Governor Andrew Johnson, afterwards President of the United States; Major Wm. B. Lewis, who was one of the auditors of the treasury under General Jackson's administration, and his intimate friend; Francis B. Fogg, one of the historic lawyers of Tennessee; Allen A. Hall, the intimate friend and counselor of John Bell, and also occasionally met Parson Brownlow, and others who had borne a conspicuous part in the politics of the state, some of whom were known beyond the limits of that state. All of these men were interesting studies to me. All of those whose names I have mentioned were intense

in their devotion to the Union of the states, but had no feeling of esteem for each other.

Major Lewis was at that time upwards of eighty years of age, and lived in the past, when Jackson was the idol as well as the leader of the people of Tennessee. He was a "quartermaster" with Jackson during the "Creek war." He was a member of the general's household while he was president, and was familiar with all of his opinions and prejudices, and I think shared them with almost as much intensity as they were entertained by General Jackson himself. I have copious notes of his conversations with me, and he surprised me by revelations that were entirely unexpected, and overthrew many of the opinions I had held of the character of public men of the period of General Jackson's leadership.

In 1844, the Democratic party accepted the nomination of James K. Polk as the party candidate for president with enthusiasm greatly heightened by the popular belief that he was the intimate and confidential friend of General Jackson, and that Polk's nomination after the defeat of Mr. Van Buren was intended as a compliment to the general, and I remember that Polk was called the "Young Hickory" during the canvass, and that he was regarded in every sense as the representative of the great chieftain. But Major Lewis assured me that Jackson had no confidence in Polk, and regarded him as the secret friend of Calhoun and the Nullifiers. He said, "General Jackson, while president, and Polk was speaker, believed, notwithstanding his profession of devotion to his ideas of government and of personal friendship, that Polk was the secret ally of his enemies, and that his nomination for the presidency was brought about by treachery to Van Buren and the machinations of the Nullifiers."

Major Lewis was familiar with the circumstances of the rencounter between General Jackson and Thomas H. and Jesse Benton, in which Jackson received the pistol

shot which was extracted after he became president. Major Lewis stated, as his opinion, that the Bentons left Nashville from apprehension that Jackson would at some time renew the affair.

Francis B. Fogg, of whom I have spoken, was one of the most interesting men I have ever met. He was old, but his mental faculties were unaffected by age; he had been more than fifty years a lawyer, and had for a large portion of that time stood in the front rank of the eminent Nashville bar. He called upon me one afternoon from mere politeness, and when I told him that I was a lawyer and not a professional soldier, he expressed great satisfaction, and commenced to deplore the fact that the war had closed the courts and left him out of employment. Anxious to interest him, I asked his opinion as to the power of the United States to create military commissions in states where civil authorities had abdicated or ceased to execute their functions. I expected from him a denial of the right in question, but to my surprise he asserted the right and the duty of the United States to maintain order and to suppress disorder by military agencies, and supported his position by one of the ablest and most convincing arguments I have ever heard or read. He had studied the subject profoundly and stated his propositions with judicial accuracy, and his conclusions were irresistible. This old lawyer had lost a promising son in the battle of Mill Spring, where he fell with General Zollicoffer, of whose personal staff he was a member. Mr. Fogg called several times upon me, and I always made it a point to start some legal question that I might listen to him. He was always pleasant, and never failed to be most instructive and interesting.

Major Lewis told me that General Jackson thought Mr. Fogg to be a good lawyer, and at one time thought of appointing him associate judge of the Supreme Court of the United States, and would have done so, but Jackson suspected him of leaning towards Federalism.

While in Nashville I saw much of Governor Johnson, and often heard him express his opinion of men and measures. On account of the peculiarities of Governor Johnson's character, it is difficult to describe him. He possessed great natural capacity, but his knowledge of the science of government was superficial. He was sincere and earnest in his opinions, but his prejudices were violent and often unjust. His personal dislikes were never concealed. Bailie Peyton said of him, that "he hated a gentleman by instinct." After listening to him one day, I said: "Governor, the anti-slavery men of the North oppose slavery because it is unjust, and we hope by abolishing it to make free citizens of those human chattels." He answered: "D——n the negroes; I am fighting these traitorous aristocrats, their masters!" His courage was of the highest order, and no man was more ready to take responsibilities. He passed through Louisville, in February, 1865, on his way to Washington to assume the vice-presidency, to which he had been elected. In a speech delivered there, he denounced the Kentucky Union men as insincere and treacherous; advised me to trust none of them, but to arrest a thousand of the leaders and send them out of the United States. Notwithstanding this, I was not surprised that, after his accession to the presidency, he quarreled with the most radical leaders of the Republican party. They assumed to dictate to him the policy to be pursued towards the people of the states lately in rebellion, and he, who was always impatient of advice, resented dictation from any quarter, and hence the breach was inevitable.

In addition to my frequent meetings and conversations with the men whose names I have mentioned, I found other pleasant acquaintances in Nashville, and often had interesting adventures in or near the picket lines.

The most important military affair in which I participated was the surprise of the Rebel forces at La Vergne, a village about twelve miles from Nashville, in the direction of Murfreesboro. We were aware of the fact

that the place was occupied by a considerable force of Rebel infantry and cavalry, and General Negley, who commanded at Nashville, determined to surprise them. The plan of operations was, that Colonel Miller, of the 18th Indiana Infantry, should, with four regiments, leave Nashville at nine o'clock in the evening, and by a circuitous route reach the rear of the enemy at daybreak, while I, with Stoke's cavalry, about three hundred men, and a battalion of the 4th Pennsylvania Cavalry under Major Wynkoop, and the 27th Illinois Infantry in covered wagons, should move at twelve o'clock at night on the direct road and attack the enemy as soon as I could reach them. It was expected that my attack would attract the attention of the enemy and aid Miller in concealing his movements. I moved promptly and marched slowly, quite willing that the enemy should know of my movements, while my long line of covered wagons made my command resemble a foraging party covered by cavalry.

It was barely daylight when we encountered the Rebel pickets and skirmished with them, waiting for Miller to reach the position he was to occupy. My infantry moved forward and charged the Rebel outpost, and captured a "Wiard" gun, and about that time we heard Miller's fire, and saw the Rebel cavalry, said to be about eight hundred strong, move off at full speed to the southwest. I had held Stokes and Wynkoop in hand for this, and ordered them to follow in pursuit.

Under the influence of the excitement produced by the scene, I forgot for a moment the firing which was going on at the front, and in some way reached the top of a stack of clover near by, from which I saw all of a thousand horsemen, pursuers and pursued, at full speed for three or four miles. After the horsemen passed out of sight, we entered the village, where we captured about one hundred prisoners, including Brigadier-General Maury, of the Rebel army. Forrest was at Murfrees-

boro, and we hoped he would move out and follow us on our return to Nashville.

During our occupation of Nashville, I often rode with my escort outside the picket lines, where we had frequent skirmishes with the Rebel cavalry. Sometimes we would encounter a party who were too strong for us, and then there would be a race for the pickets, with whom my party would unite and repulse the enemy. Occasionally, we would capture a few prisoners and their horses, and, as my escort furnished their own horses, we always kept the best when captured, and turned the poor ones over to the quartermaster.

On one occasion, I took with me my escort and a company of Michigan infantry mounted, amounting on the whole to a hundred men, and went out on the Nolansville "pike." It was one of the peculiarities of Nashville that the main turnpikes were connected by rough and incomplete pikes. We went out some mile or more on the principal pike, beyond the picket line. Lieutenant Hayes was riding with me, and, when we turned to the left, in order to reach the Murfreesboro pike, I sent out Lieutenant Shaw as an advance guard, and soon heard firing in my front.

I had inadvertently, while laughing at stories told by Hayes, proceeded to a greater distance than I had intended. Shaw came back and reported to me that the Rebels had a picket at the junction of the small pike with the Murfreesboro turnpike and that we were within sight of the lunatic asylum, six or eight miles from Nashville. I said to Shaw, "We'll wish we were in a lunatic asylum before we get back!" I ordered him to "return, attack the pickets and drive them away."

As soon as we reached the Murfreesboro turnpike, I sent Gilbert, in command of the Michigan infantry, in the direction of Nashville to see what was there, and ordered Shaw to proceed in the direction of the asylum and see what was there. Shaw reported to me that

there was about a battalion on his front, while Gilbert reported that there was about one hundred and fifty men between us and our pickets on the Murfreesboro pike. I immediately determined to make "hot foot" for our pickets (one company of the 22d Illinois) and run the risk of encountering the men between us and Nashville. I said to Shaw, "You have carbines and revolvers, the other fellows have shot-guns, drive them, and when you come back we'll charge these fellows to our front."

Pretty soon Shaw had his company in motion; when he returned I put myself at the head of my escort, charged the enemy in the direction of Nashville, broke through them, and by that time the Rebel cavalry had come from the direction of the asylum, and we had a race for it. We rode through "Slip-up" at full speed, crossed the bridge over Brown's creek; our pickets had heard the firing and came at double quick to our relief; the enemy pursued us no farther; they saw the infantry and retired.

One incident which occurred on this trip is worth relating. While I was riding at full speed, with drawn saber in my hand, I heard a tremendous explosion, and saw that it was from a double-barreled shot-gun, and felt the powder in my face. I saw before me a boy, some twenty years old, who had evidently forgotten to put the shot in his gun. I raised myself in my stirrups, determined to take his head off, but he was so young and apparently so frightened that I passed the saber over his head and said to him, "You miserable rascal, you meant to murder me!" I heard that expression for many days afterwards from my escort.

CHAPTER XIII.

Diary kept in Nashville—Call from Mr. Trimble—Capture of company of the 22d Illinois—Arrival of Rosecrans at Nashville—Skirmish with the enemy—Stuart's creek—General Rosecrans' erroneous report—First day's battle of Stone River. (1862-1863.)

I kept a brief diary while in Nashville, which now reads rather racily. Some extracts from this will give a better idea of the state of things as matters appeared to me than any I can furnish from memory, I find in the entry of September 21st: "The owners of negroes give me no rest; every one who calls on me is a prodigy of patriotism and devotion to the Union. He wants his negro, as he says, not for his value, but to gratify a longing mother, who ardently desires that her son shall return to her and to slavery. The kind-hearted owner only wishes to oblige her."

We had heard nothing from the North for a month, and rumors reached us through Rebel sources like this: "Rumor reports that Buckner has taken Green river bridge, with 3,500 prisoners, after two days' resistance, and that Buell had crossed Green river in pursuit of Bragg. Another rumor is, that McClellan has been defeated and killed by Jackson and Lee near Hagerstown, Maryland, with a Federal loss of 35,000 men. The rumor of Rosecrans' defeat by Price is revived."

On September 26th, I wrote: "The General (Negley) does not feel easy, as he thinks it probable that Price is after us, and he has a rumor that Breckenridge has reached Murfreesboro with 15,000 men, and is repairing railroads south. This afternoon, General Negley rode up and informed me that our pickets on the Murfreesboro 'pike' were attacked by a large force, and ordered me to send out a regiment of infantry. . . . I rode

out and found the attack a sham." . . . On October 3d, I made another entry, that seems now to have been prophetic of the prevailing views at present: "Had a visit from John Trimble, one of the three members of the Tennessee senate who opposed secession to the last. John Trimble, Jordan Stokes, and Mr. East, now secretary of the state, were three of the senators who stood out to the last. He professes to be a follower of Alexander Hamilton, and his ideas of 'consolidation and nationality' are as far from the true constitutional theory as secession is. How prone we are to run to extreme opinions at a time like this!

"We shall hereafter be afflicted with this very idea in our politics, and the states' rights doctrine, which is correct, will be repudiated on account of its supposed connection with rebellion and federalism, which is dangerous to popular liberty, will be approved.

"Secession, which is a mere lawless, revolutionary idea, may be met by the logical method of resistance, force, while 'nationalism' is deceptive and treacherous, and by its silent, concealed effects, steals the rights of the people, and under cover of pretended reverence for order and peace, subverts constitutional government, and ends in despotism."

On October 4th I wrote: "The guerrillas assailed our pickets last night, on the Franklin pike. In the saddle all day. I have spent the whole day in efforts to find the guerrillas, but without success."

"October 10th. There is a good deal of mystery about Rebel movements. Some reports are that they are ordered to East Tennessee; others that Forrest is at Murfreesboro in command of a force for the reduction of Nashville. My opinion is, that they have not abandoned all hope of wresting the city from us, though the affair at La Vergne has alarmed them. Last night headquarters was in a panic. About eleven o'clock a man came into my room, and announced that a party of Rebel cavalry had come inside our pickets. I sprang out of

bed, seized my clothes to commence dressing, and then asked: 'How many are there?' He answered: 'Two.' I dropped my clothes—humbugged by a frightened fool.

"Sunday, October 12th. Rode out on the lines, saw nothing, and came back at eleven o'clock, found an invitation to dine with Mr. Trimble—went down to his house and spent a delightful afternoon. Mr. Trimble is always interesting. He thinks John Bell an able man, but always lacked courage; that Zollicoffer was narrow-minded, but that his personal courage was of the highest character; that disappointed ambition caused his political errors. He entertains contemptuous opinions of Governor Harris; thinks him weak and timid, and that he was used as a tool by Southern leaders. He characterizes secession as a 'malady resembling madness;' that the leaders of the Union people of Tennessee were driven from their position by the 'audacity and mendacity' of the 'Knights of the Golden Circle,' of whom Henry S. Foote was leader and chief. From his accounts, the scenes witnessed in Nashville in the early days of the spring of 1861 were pitiable, all men cowered before the vagabond bullies of treason. Rumors are that Rosecrans has defeated Price, and that Buell has beaten Bragg. The Rebels last night burned the bridge over Stone river, ten miles from here on the Lebanon road. This looks as if they feared a movement east of Nashville to reach Bragg's rear."

The diary of October 15th gives an idea of the employment of many days: "This morning took my escort, about twenty cavalry and three companies from the picket reserve, and went out on the Murfreesboro pike. About two miles out, my advance guard was fired upon by a party. The advance returned the fire. I rode forward and found about thirty 'Rebs' in a clump of wood behind a ravine, so that my cavalry could not reach them, and I ordered the infantry skirmishers to advance. When the enemy saw the 'blue jackets' coming, they

fled. The infantry got a few shots at long range ; a good deal of noise ; no blood ; rode around the city in the afternoon ; in the evening read Grotius."

"October 16th. . . . Refugees come in with rumors. The impression seems to be gaining ground that the Rebels are concentrating a force on the Murfreesboro road to attack Nashville. Some put their force at 15,000 men. My opinion is that they have not more than half that number, and that we will yet have a fight before this place. Mr. Strait, from Athens, came in to-day. He says that at the battle of Iuka, Price took nine pieces of our artillery. No news from Buell. The Rebels say his last battle with Bragg was a drawn game."

"October 17th. The rumors to-day indicate a purpose on the part of the Rebels to attack us to-morrow."

". . . October 18th. Rose early this morning in order to be ready for the enemy. The morning was cool ; a heavy fog concealed everything, so that it became a question of some importance as to how our pickets could be saved in case of an attack. I rode out on the line and made the best disposition of them I could. The Rebel forces were about two thousand men with two field pieces. After a short skirmish, they fell back to the lunatic asylum, about eight miles from the city. Refugees continue to come in from Wilson, Smith and De Kalb counties. They complain of the oppressions the people suffer from the Rebels in their counties. We had an affair of pickets on the Franklin pike this morning. It did not amount to much."

My diary of the 19th refers to rumors of Rebel movements, and on the 20th, I wrote, "The rumors of last night evaporated with the rising of the sun." I noticed the results of an expedition commanded by Colonel Miller, that he "routed the enemy and killed and captured many." And then, "The news from Kentucky is not satisfactory. Buell seems to have fought a bloody battle at Camp Dick Robinson, putting 20,000 Rebels *hors du*

combat, and taking 12,000 prisoners. 'Secesh' rumors turn the table, and *both lie*."

"October 21st. This morning was aroused from bed by a messenger who informed me that Company C, 22d Illinois, on picket on Murfreesboro pike, was captured and our line opened. I rode out and found the report to be true. Major Swanwick, Captain Gregory, Lieutenant Senniffee and thirty-three non-commissioned officers and privates were captured without firing a gun. The case is an extremely mortifying one to me. Major Swanwick is one of my best officers—brave and active, and a personal friend. Captain Gregory is a superior man. He had his men ready for the reception of the enemy, and told them to fire, but Swanwick believed the party to be ours and overruled him. The Rebels, five times their number in that way, were allowed to 'get on them so that resistance was useless.' In the afternoon, I rode out to find some Rebels said to be on the Franklin pike. They were reported to be three hundred. We found, however, five. Some shots were exchanged, but nobody was hurt."

On October 22d, it seems, from my diary, I finished reading "The Life and Speeches of Stephen A. Douglas. It will illustrate the possible mental state of men in a beleaguered city, surrounded by enemies, to state that I find in my diary several pages of criticism upon the public course of Mr. Douglas, from which I transcribe the following reflections: "Mr. Douglas involved himself in hopeless embarrassment by accepting the Southern idea of the extension of the constitution over territories, and of state equality, and by accepting the dogma of the political omnipotence of the supreme court. By these he conceded the utmost claims of one party without making that party his friends. He admitted even that 'Popular Sovereignty' was only what the supreme court might decide it to be.

"Thus Mr. Douglas fell; he failed to read the signs of the times aright; he did not comprehend the fact that

the despotic party organization he had assisted to control so long had passed into other hands, and that he was now to be torn to pieces by his own steeds.' He was defeated at Charleston, and afterwards by the people. He then saw his error; and when the traitors who had defeated him made their first demonstration against the government he no longer kept terms with them. He came back to the people of Illinois, who had always, in spite of his faults and mistakes, loved him, sick and broken down with his great labor, and then, as if he had warning of the near approach of death, he threw his weight into the scale on the side of the constitution and the Union. He made two speeches in Illinois of great eloquence and power, filled with fervid love of country and blazing with passionate attachment to our free constitutional system of government. These speeches were distributed over the northwest and aroused the country, but hardly had his voice ceased to reverberate in the hall of the representatives of the state than it ceased forever. This first and noblest son of Illinois, this child of the people, closed his wonderful and brief career, crushed by that aristocracy for which he had unhappily done so much. The people in the northwest, and especially in Illinois, hung upon his last words, forgave him all his errors, and also wept tears of unaffected sorrow at his untimely death. For many years I was his political foe, but I loved many friends less than him.

"Thursday, October 23. Last night was called to headquarters to discuss with General Negley the plan of a reconnoissance in force towards La Vergne to settle the hundred rumors of a large Rebel force on that line. We talked the matter over, and determined that Colonel Miller should march out on the road to La Vergne by Antioch church and that I should go out on the Murfreesboro pike. I moved at twelve o'clock, midnight, with a brigade of infantry, 10th, 22d and 42d Illinois, 1st Tennessee cavalry and Houghteling's battery. I

went out to the insane asylum with my whole force, pushed my advance three miles further and saw small parties of the enemy. The thirteen siege guns in position we had heard so much of vanished into thin air. My instructions were to bring in all the stock I could find; I did so, and had my first actual experience in foraging. Under this system the people all suffer, rich and poor; of all methods of providing for an army this is the most wasteful."

"October 25th. Morning cloudy and cold, commenced raining about four o'clock, and a little later snow commenced falling which continued until about nine o'clock.

"October 26th. The ground is white with snow this morning—this premature touch of winter has produced much suffering in Nashville. I wrote to Governor Johnson offering to assist him in providing fuel for the poor. Many persons cut wood where they could find it most conveniently and the army teams hauled it for them.

"October 29th. Lieutenant Shaw of my escort obtained leave to go out a day to skirmish with the guerrillas; I thought no more of the matter until evening. He reported that he went out on the Nashville pike; met a party of about seventy Rebels; skirmished with them, and he took three prisoners with their horses and arms. On the next day (October 30th), sent out my escort and Captain Parmelee's mounted men; they went out on the Nolansville pike, from thence to Murfreesboro pike. I joined this party; had a small skirmish near the asylum, killed three, wounded several, took six prisoners and as many horses, saddles and guns."

I will make but few more extracts from this diary kept at Nashville. We heard by indirect means rumors of the battle of Perryville and the retreat of Bragg from Kentucky.

November 1st I wrote: "We have now been two

months in the field; have marched from Alabama to this city, and have remained here without communication with the North; we have lived upon the country, and have really desolated it; the military situation grows more difficult every day; the country is exhausted; the Rebel strength is increasing around us, and the supplies are more remote, and our marches to obtain them longer and more dangerous; 'General Buell, the slow-paced,' is still in Kentucky; Bragg has had time to complete his winter arrangements for the supply of his army, and may, for anything we know to the contrary, pay us a visit."

November 3d. "Rumors thicken of two things important to us, the one is that the Rebels are advancing in large force; and the other, of the march of General Rosecrans towards this city; his arrival may happen to-morrow or Wednesday. This breaks the long blockade to which we have been subjected, and we hope for letters and papers from home."

It will be noticed that after November 1st, and before the 3d, news had reached Nashville that Rosecrans had succeeded Buell in the command of the Army of the Cumberland, and was approaching Nashville. Our information led us to expect that Nashville would be attacked by the enemy in force, before the arrival of the advancing army.

November 5th I wrote: "Last night, after going to bed, heard occasional shots on the picket line; later was awakened by a heavy firing on the Murfreesboro road; mounted and off—ordered the 22d Illinois to go out as a reserve. When I got to the lines, I found that two posts had been attacked, and several men wounded. I took direction of the line, and as I heard sounds indicating the presence of artillery, ordered the pickets to retire behind some temporary works, some hundred yards to the rear, where they joined the reserve, and the 22d Illinois, which by this time had reached the ground. Within a few minutes the Rebels had commenced firing;

after a severe contest we drove them back ; it was very dark, and we suffered no injury of consequence. The enemy opened one piece of artillery upon us, but made no impression ; they also attacked the pickets at other points without success ; they suffered a bloody repulse at the Nolansville pike, at the hands of two companies of the 10th Illinois. About ten o'clock in the morning General Negley went out with three regiments of infantry, and some cavalry and artillery, and drove the Rebels as far as Brentwood. On his return he had a noisy artillery fight and some sharp skirmishing in which he suffered some loss. The feint, by which he was drawn out of our defensive line, was very nearly successful. The general was caught 'napping,' and for a few hours the city seemed to be in danger, for it appeared for a time that I would be compelled to abandon Nashville to save him. As it was, I reenforced him with Morgan's regiment of infantry, the 10th, and three pieces of artillery. On the other side of the river, John Morgan, in an attempt to reach and destroy the railroad bridge over the Cumberland, rode over one company of the 16th Illinois, but the company cut its way back, inflicting more loss on him than they sustained. Before reaching the bridge he encountered the remainder of the 16th, and was repulsed. He burned one house, and then run, my troops all behaving splendidly."

On November 7th the troops composing the advance of the Army of the Cumberland began to arrive at Nashville ; I find that after visiting friends among the new arrivals, I wrote in my Journal ; "In camp, day pleasant, no work, no news."

"November 14th. Letters from home and newspapers from Illinois have begun to reach camp." I had nothing definite from Illinois since leaving home on August 26th, and it can well be imagined that the contents of the papers detailing the results of the election in Illinois, held on November 4th, astonished me. When I left home, although I felt very little interest in party poli-

tics, I had supposed nothing better assured than the ascendancy of the Republican party (to which I was then attached) in Illinois. The first paper I opened was a copy of the Illinois Journal, and to my astonishment I found that John T. Stuart had defeated Leonard Swett for congress; Alexander Starne had beaten William Butler for treasurer, and that James C. Allen, whom I knew, a Democrat, had carried the state, defeating E. C. Ingersoll, a Republican. It was also reported in the paper that the Democrats had carried both branches of the legislature. I did not understand the significance of what appeared to be a great change in public opinion in Illinois, and have never been able to account for the Democratic victory of that year.

Within a few days, the whole Army of the Cumberland reached Nashville, and operations were resumed with great activity. I remained in Nashville, still retaining my command, until the 10th of December, when the division with which I had marched from the Tennessee river was, for some reason and much to my dissatisfaction and regret, broken up, and I was assigned to the command of the division formerly commanded by General Wm. Nelson, who was killed by General Jeff C. Davis, in the preceding September, in Louisville, Kentucky.

On taking command of the division, I relieved General Wm. Sooy Smith, who has since won so much distinction as an engineer. The division was composed of three brigades; the first was commanded by Brigadier-General Chas. Cruft; the second by Colonel Wm. Gross, of the 36th Indiana; and the third by Colonel Wm. B. Hazen, of the 41st Ohio. These officers retained command of these brigades, and served with me from that time until after the battle of Chickamauga, in 1863. Cruft and Gross were civilians, but they were brave and skillful officers; Hazen belonged to the regular army, no one doubted his courage, he was skillful beyond a question, but he was vain and selfish; it was difficult for those

who associated with him constantly to do justice to his merits. The division was about 4,500 strong, many of the regiments were organized early in the war, and had done good service in West Virginia and Shiloh, and also in the campaign in Kentucky in the fall of 1862. My assignment to this command separated me from nearly all my acquaintances, and brought me in contact with many officers with whom I afterwards contracted the most sincere friendship.

I have spoken of General Wm. S. Rosecrans, who was in command of the army, elsewhere, and will now only say of him that his gallantry and good conduct in the battles around Corinth, in October last, obtained for him the confidence of the president, and his consequent selection to succeed Buell, who was unfortunate, to say the least, in his operations in Kentucky. Rosecrans also possessed the confidence of the army he led to Nashville, and his actual preparations for an early advance to meet the Rebel army, which was by this time in motion to concentrate at Murfreesboro, had a fine effect upon the troops who had occupied Nashville.

The army was termed the "14th Army Corps," and its divisions were called the "center" and the "right and left wings" of the corps. Thomas commanded the center, McCook the right, and Crittenden the left wing of the army. The divisions of the left wing were, the 1st, Wood's; the 2d, my own; and the 3d, Van Cleve's; and Wood and Van Cleve and I ranked in the numerical order of our divisions. On the 10th of December, I assumed the command of my new division, and, when I reported to General Crittenden, and afterward to General Rosecrans, I learned that the purpose of the general-in-chief was to advance upon the enemy and bring him to battle at the earliest possible day.

I devoted myself from that time forward to preparation for the expected movement, and, with the aid of my brigade commanders, all of whom were soldiers of experience, my division was, on the 25th of December,

the last day we spent in the camp near Nashville, in excellent condition for service. On December 26, 1862, my division moved out on the Murfreesboro turnpike, in advance of the left wing of the army.

I was familiar with the country as far as La Vergne, and for that reason advanced with confidence. After a march of eight miles, we encountered the Rebel cavalry under Wheeler, who had a few pieces of light artillery. They contested several points on the road with a good deal of stubbornness, but in every case, after a short delay until troops could be brought up and formed, we drove them before us without much difficulty or loss. We halted and spent the night of the 26th of December at La Vergne, and the orders issued by General Crittenden that night, with reference to the march next day, had a most important influence upon my military future.

I learned, after going into camp, that my position on the right of the advancing column was obtained for me by my misunderstanding of the orders under which I started in the morning. The order, as I understood it, was to move at eight o'clock in the morning, and in that sense I obeyed it, by putting the head of my column in motion as soon as the hour arrived. General Wood, who commanded the First Division, was entitled to the right, but he understood the same order to be, "Be ready to move at eight o'clock." The result was that when he was ready to move my column was in possession of the road, and kept it during the day.

The order issued by General Crittenden at night directed me to move next morning after General Wood had passed me. The consequence was, that the next morning my command waited until that of Wood had passed, and then we moved forward, following his movements until the army reached Stewart's creek, some few miles from the town of Murfreesboro.

As General Wood reached the creek, he was attracted by some elevated, open land, on the left of the turnpike, upon which was a large and apparently comfortable

dwelling-house, and some outhouses, which made the place admirably suited for quarters. Forgetting his claim to the right of the line, he moved off to the left of the line of march to occupy the pleasant place, so that when my command came up we were compelled to move down Stewart's creek, and occupy some rocky, lowland, which had but one advantage,—that by crossing the creek to my front, we could reach the turn-pike easier than by returning to the bridge. We remained in camp at Stewart's creek one day, awaiting the movements of the troops to our right, who were also moving to meet the enemy, who, we were informed, were waiting at and near Murfreesboro, prepared to fight a battle upon ground selected by themselves.

On Monday morning, we had orders to move, and I crossed the creek to my front, and reached the road with my column, when General Wood overtook me, and, as my superior, ordered me to move out of the road and allow his troops to precede me. This order I refused to obey, as General Crittenden, our corps commander was with the troops, and controlled the movements of the column. General Wood, however, brought up a brigade, and he took the left of the pike, and we marched *pari-passu*, as he said, until sundown, when we came in sight of the enemy in line of battle between us and Murfreesboro.

Here occurred one of those incidents which, though in itself as it resulted is comparatively unimportant, belongs to a class of events which affect the fate of armies. Wood and I halted our troops, and rode some distance to the front, to a point which we could see the enemy in strong force, evidently prepared to receive us. While observing the enemy's forces and position, we were surprised to receive through General Crittenden, from General Rosecrans, an order, in substance, as follows: "Stanley reports from Triune that the people say that Bragg has abandoned Murfreesboro. You will therefore occupy

the place with one division, and camp your others near them."

Of course, General Wood and I knew the information which purported to come through General Stanley was erroneous. We, therefore, rode back, found General Crittenden, explained to him, and he communicated our report to General Rosecrans, who promptly withdrew the order. Now comes the strange part of the transaction. General Crittenden was told the next day that I had informed him (Rosecrans) that the enemy had evacuated Murfreesboro. I called upon General Rosecrans the same day and told him that I had made no report to him on any subject whatever, and reminded him that the order itself purported to be based upon information which came through General Stanley.

Notwithstanding all this, General Rosecrans, in his official report, attributes his order to information furnished him by me as commanding Crittenden's leading division. The fact that General Wood and I were actually observing the enemy when we received the order, ought to afford conclusive evidence that General Rosecrans was wholly mistaken in his facts.

On December 29, 1862, the left wing of the army reached the theater of the subsequent battle of Murfreesboro, or Stone River, as it is sometimes designated. On the 30th, the troops to our right moved up, and after some heavy skirmishing got into position.

It was in the main quiet on our front, although the artillery on both sides was engaged at intervals during the forenoon. The left wing of the army, which was commanded by Crittenden, was composed of three divisions which were commanded by Brigadier-General Thomas J. Wood, Horatio P. Van Cleve and myself. Van Cleve was on the extreme left, Wood in the center, and my division on the right. Wood's right and my left rested on the turnpike from Nashville to Murfreesboro, and the railroad which connects those places, a short distance to the north, was within Wood's line.

Hazen's brigade, with its left on the pike, had an open cotton field to its front, while the brigade commanded by Brigadier-General Chas. Cruft extended into the dense cedars to the right. Gross' brigade was held in reserve.

The line of battle was extended to the right by Negley's division of the 14th Corps; on the center by Sheridan, Davis and Johnson's division of the right wing in succession. The right retired until our line of battle from left to right formed something like the fourth of a circle. Some open grounds were to our front, but on our right there was a dense mass of cedars in which troops could not operate, although the woods were traversed by several narrow, country roads.

The battle of December 30th has been described so often in official reports and otherwise that I will only attempt to narrate such events as may be regarded as personal to myself.

About daylight, I heard heavy firing on our extreme right, obviously indicating that Johnson was vigorously attacked by the enemy. I at once rode to my own command, and a short time after reaching it, I observed that our troops on the extreme right were being driven back, and that the commands of Davis and Sheridan and Negley were being assaulted with great force, and that the attack was being extended from our right until after a time I saw a strong force advancing to attack my troops.

I have already stated that there was an open cotton field in front of Hazen's brigade, across which I could see the Rebel forces advancing in solid lines and moving in admirable order. It was not easy to witness that magnificent array of Americans without emotion. They came on grandly until within musket shot, and then, for a length of time, brief, it is true, but we took no note of time, they were thrown into confusion by our fire,

and retired to reform and renew the attack, and were again repulsed.

When I again turned my attention to other parts of the field, I found our right and center had been taken in flank and driven back through the cedars in disorder. Rousseau's division of Thomas' command attempted to enter the woods to our right, but were unable to form, and fell back in disorder, and the enemy were struggling to reach the turnpike in our rear and take our position in reverse. General Rosecrans, whose courage upon a battlefield was always magnificent, exposed himself at many points to rally his forces. A new line was formed at right angles to my line, and within a few minutes, Captain Mendenhall, chief of artillery of Crittenden's command, collected some sixty pieces of artillery on a knoll to my right rear, and with them literally drove the Rebels back into the woods, where they remained to avoid the consuming fire, and this closed the battle for the day.

It is not my purpose to describe this battle in detail, but I think some of its minor incidents may be interesting. When absent for a time with the right of my command, Van Cleve and Wood were withdrawn from the left to support the right, the situation of which I have described.

On my return, I ordered Hazen to move to the left to the railroad cut.

This movement, which was made after Wood left the ground, subsequently led to a bitter controversy between Generals Stanley and Hazen, and a court martial in which Wood was a witness. Wood testified truly that the right of his command rested on the turnpike, and that Hazen's left united with him on the pike. He did not know that after his division withdrew, Hazen moved to his left and covered the ground between the pike and the railroad cut, which greatly improved his position.

Before a court martial in New York, I so testified, and



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in that way explained a discrepancy which otherwise seemed to the court insurmountable. In the battle, General Rosecrans exhibited the greatest personal bravery. Colonel Garesche was killed by a cannon shot at his side, and his blood and brains were scattered over Rosecrans. He never blanched, and kept his position. I made up my mind then, that if I was about to fight a battle for the dominion of the universe, I would give Rosecrans the command of as many men as he could see and who could see him.

In the afternoon, my division was withdrawn from the position it held in the morning, and took its place in a new line of battle a few hundred yards to the rear.

On December 31st, all was quiet along our front. We heard fighting away to our right and rear, for Wheeler with his cavalry had passed our right, captured our hospital and a wagon train. He failed to do much mischief. Stanley, with our cavalry, watched him closely, and made him let go of our line of communication.

CHAPTER XIV.

Battle of Stone River continued—Military eloquence—Cripple Creek—An acquaintance—Mrs. Morgan's dress—Invitation to breakfast—Skirmish with Rebel cavalry—General Garfield—Letter to Assistant Adjutant General—Political situation at the North—A prudent preacher.

On January 1, 1863, early in the day, it was apparent that the enemy intended to assail our left, which had moved to the north side of Stone river. We had observed troops moving in strong force from the enemy's left to their right. About three o'clock in the afternoon Lieutenant John E. Shaw, of my escort, climbed a tree, which enabled him to overlook the movements of the Rebel forces.

After closely observing them for a short time, he descended, and told me they were forming for an attack upon our troops on the north side of the river. We had five or six batteries on an elevated point south of the river, supported by a portion of my command, especially the 6th Kentucky Infantry. I rode rapidly to the supporting force and thrilled them with my eloquence. I said: "Now, 6th Kentucky, you have work to do; stand up to them, and you may steal for six months!" This was military eloquence, for it was spoken by a commander who was present with his men. It was surpassed only by the speech of Captain Peden, of the 36th Indiana, the day before when told by his first sergeant that "they are flanking us." "Flank you!—you cowardly ——, and mind your business!" It was in the midst of a desperate fight, but all of us laughed, and we won the fight.

Napoleon, and some of our generals in the late civil war, indulged in lofty language, but I found in the battle of Stone river and on many other occasions, that the

most impressive words were those spoken by an officer who was present with his men in the battle. In the attack on our left the "Rebs" fought as they usually did, with great gallantry, but our guns south of the river enfiladed their lines from their left. I never saw a greater number of men and horses killed than there was upon a few acres of ground covered by the Rebel advance, on the north side of Stone river. Wounds inflicted by musketry rarely disfigure, but artillery wounds are ghastly. I saw there men and horses killed—I cannot describe the scene. We perhaps ought, after their defeat, to have followed the Rebels and driven them out of Murfreesboro, but we did not pursue them. They abandoned the town and fell back to the line of Tullahoma.

A few days afterwards my division passed through Murfreesboro, and encamped east of town, on the farm of a man named Beard, who had relatives in Carlinville, Illinois. Mr. Beard's farm was fenced with cedar rails; I did my best to save them, but I suppose that after my command left, the farm was stripped of fences. Soon after we entered Murfreesboro I was ordered to send one of my brigades to a place called "Cripple Creek." I sent Crufts' brigade to that place, and the troops found it altogether preferable to the open grounds east of Murfreesboro. The main force of the Rebels was at Tullahoma, Manchester and McMinnville, but they had advanced posts at Shelbyville, Woodbury and other points to their front.

In January, 1863, the Rebel position at Woodbury attracted the attention of the commander of the army, and I was ordered to dislodge them and drive them out of town. Cruft with his brigade was then, as I have before stated, at Cripple Creek, some eight miles from Murfreesboro, on the route to Woodbury; I therefore took with me the bulk of my division, Hazen's and Gross' brigades, leaving in camp sufficient guard and the men who were not in good condition, and moved to Cripple

Creek and spent the night there. The next morning I moved with all my active force and crossed Stone river at Readyville, and marched by the turnpike toward Woodbury.

About a mile northwest of that place I encountered a force of a few hundred men who were behind a stone fence. I could easily judge of their numbers by the volume of their fire. They inflicted some loss upon me before I discovered the strength of their position. I then withdrew my main force, threw forward a line of skirmishers, and under the cover of a hill which concealed the movement, turned their right with two regiments. This movement dislodged them; they broke and fled through the town. It was expected that Wilder, with his mounted men, would have reached the rear of the enemy before we made our attack, but he failed to do so.

Colonel Hutchinson, of one of the Rebel cavalry regiments, and a few others were killed in this affair, but we captured no prisoners; I could only pursue them with infantry. I passed through the little town of Woodbury, found no enemy, and as it was then raining I determined to return to Readyville and recross the river.

When I reached Readyville, where I met my wagon with supplies, I rode up to a large one story brick house, and when I called, a lady came to the door. I asked her if I might occupy one of her rooms for the night; she answered me with tartness, "No." I then said to her, "It is raining, and I will be compelled to pitch my tent in your yard, and you will be sorry for me when you see me sitting out in the air." I also told her, "My wagon is up—I have some flour, good ham and some coffee, and you Southern ladies always have good cooks about your houses. Won't you let me occupy one of your rooms, let me furnish the flour, ham and coffee and then take supper with me; I have not sat at a table with a lady for six months?" After saying this, as the phrase goes, "I saw that I had her." She said, "I

know that you will come in anyhow whether I consent or not." I did go in, and had an excellent supper, at which she presided.

In the course of our conversation I learned that she was the niece of the Rev. Henry Palmer, who was a member of the Constitutional Convention of 1847 (of which I had also been a member), and of the Rev. Frank Palmer, once of Jacksonville, and remotely of "kin" to me, according to Virginia and Kentucky rules for computing kinship.

During the evening I learned that Hattie McMillen, daughter of the Rev. Edward McMillen, who had once visited my family in Illinois, lived two or three miles from Readyville. She was married in Illinois and settled in Tennessee. Her husband was a major in one of the Rebel regiments we had fought the day before. I took with me my escort of about fifty cavalry, and guided by the son of the lady at whose house I had spent the night, I rode to her residence, posting videttes to observe the surrounding country and prevent a surprise. I went into the house, and, to my surprise, she was so frightened that she did not know me. I told her my name, but she did not recover; I then guessed the cause of her fright, her husband was concealed in the house, and both of them supposed we had come to capture him. I did my utmost to reassure her; I told her I was incapable of coming to visit her for the purpose of taking her husband; I saw that notwithstanding my assurance she felt relieved when I left the place. She afterwards with her sister dined with me at Cripple Creek, and "owned up" that her husband was in the house and heard all that I said to her.

Perhaps I may as well tell the sequel to my acquaintance with the lady with whom I found myself to be akin at Readyville. She was the sister of Hon. Charles Ready, of Murfreesboro, whose daughter married John H. Morgan, the chief of so many raids upon the Union lines.

Mrs. Talley, whose name I may as well give here, had a daughter with whom I sang plantation melodies after my return from Woodbury, she was a pupil of the Woodbury schools.

General Hazen, whose brigade was afterwards posted at Readysville, refused to allow her to cross the lines without an examination of her trunk. My "cousin" said, "General, you know that my daughter, a little girl, don't like to have her trunks examined by men." I remembered that I had daughters at home; I ordered Hazen to allow the young lady to pass to Woodbury without an examination of her trunks. Soon afterwards she passed through the lines without examination, and I next heard of her over in the Tennessee Valley, and she carried with her a silk dress for Mrs. Morgan. She cheated me of course, but when Hazen, who was then a bachelor, complained to me of my order which allowed the little girl to pass beyond the lines without a search of her trunk, I said to him, "That any information she could give Morgan would probably mislead him, and I was glad that Mrs. Morgan had got her silk dress!"

In February of the same year, I received a telegram from Governor Yates asking me to return home as he had with me "business of importance." I came to Springfield after stopping over one train with my family at Carlinville. After reaching the city I met Governor Yates and Dr. Fithian of Danville, who was provost marshal of his congressional district, and read many letters which the governor had received which indicated great danger of an uprising of the "Knights of the Golden Circle," and probably other disloyal organizations. The letters were written in January and February, and by persons who were loyal to the government of the United States, and some of the writers advised the governor to raise four or five more regiments of cavalry for "service in the state."

I found the governor thoroughly alarmed on account of these letters, and he assigned to me the duty of going

to Washington and consulting the president and secretary of war as to the propriety of raising a number of regiments for service in the State of Illinois.

Mr. Lincoln, in response to the letter of the governor, handed him by me, answered with one of his jokes which cannot be repeated, and said: "Who can we trust if we can't trust Illinois!" and referred me to the secretary of war. The president also asked me, "How the boys received his proclamation?" I told him that we thought he ought to have said to negroes: "Arise, Peter, slay and eat." He said: "You were all opposed to the proclamation when it was first issued, were you not?" I replied: "Yes." "Well, don't you see that on an average I am about right?"

I called on the secretary of war (Mr. Stanton) as Mr. Lincoln had proposed, and after I told him my business was from Governor Yates, and that he asked authority to raise four regiments of cavalry for service in Illinois, he said: "You are to command these troops, are you not?" and when I replied, "No, I am not, and would refuse the command of troops raised for service in my own state and amongst my own people. I have a command of Illinois regiments which is entirely satisfactory to me." He then said: "That shows the d—d nonsense of the whole thing; if you thought your own family and friends were in danger, you would be willing to command troops raised to protect them." I reported to Governor Yates by letter, and returned to my command which was in Tennessee.

When I reached Harrisburg, Pennsylvania, on my return, I heard a complaint from the closet of the car, when upon entering it, I found a man named Moore, who had lost a leg at the battle of "The Seven Pines," in Virginia. The bandage of his wounded limb had slipped and caused great pain. He had been discharged from the hospital in Philadelphia, and had belonged to the "Buck-tails," a Pennsylvania regiment in the civil war. I took him under my care until we reached Clay City,

Illinois, where I delivered him to his sister, Mrs. McCauley ; then went on until I met the train going east, and passing through Louisville, Kentucky, went south where I rejoined my division.

I soon afterward moved Gross' brigade to Cripple Creek, and Hazen's to Readyville. We remained in camp until about May 21st, and as I was "to the manor born," I improved my time by an occasional reconnoissance under orders from headquarters, and by rides around the country, where I met some persons who had once lived in Illinois, and the relatives of many who had removed to and still resided in this state.

I met with but one adventure while visiting around the country that is worthy of narration. On Saturday, May 15th, I made a more than usually extended trip, visiting acquaintances in the neighborhood of the camp, and after spending an hour with one family who liberally supplied my escort of about twenty men, as well as myself, with the homely food left them, in exchange for tobacco and other things that were equally agreeable to them, I rode forward, perhaps a mile, and reached one of those magnificent springs which are to be found amid the "knobs" of Middle Tennessee. We adopted the usual precautions to prevent a surprise, and while the men watered and rested their horses, I went to a house a hundred or two feet distant, where I found a lady of some fifty years of age, who told me that she was a widow, and that two of her sons were members of a force which we knew was in the neighborhood, called the "3d Georgia Cavalry." She was a most agreeable woman, and after a half hour's conversation, when I was in the act of leaving, she followed me to the door, where she saw the men, who were by that time mounted and waiting for me. She invited me very urgently and kindly to return the next morning and breakfast with her. The house was only some three miles from our camp, and the promise of a good breakfast was so flattering I accepted and returned to camp. My invita-

tion was repeated to several officers who called upon me during the evening, and we arranged to start the next morning after inspection; and, without being influenced in the slightest degree by suspicion or distrust of the widow's intentions, I ordered part of my escort, Company C, 7th Illinois Cavalry, of twenty-five men, and two companies of Tennessee cavalry, about sixty men, on duty with me, to report the next morning for the trip; and at an early hour, with perhaps half a dozen officers, mostly young men, who joined me for the pleasure of it, we left the camp for our visit. We pushed forward at a good pace, and my advance guard reached the spring before me. Videttes were posted on prominent points, and, leaving my horse, I went in the direction of the house, accompanied by a single orderly. I approached the house from the west, and the door at which I expected to enter was on the south. As I reached the gate opening into the yard, near the northwest corner of the house, my attention was attracted by the conduct of a negro man, who was just north of the house grinning, turning up the whites of his eyes and gesticulating with his arms in a most surprising manner. Suspecting something from his conduct, I met him and asked: "What is the matter?" He answered, speaking in a low tone: "Dey's been here arter you." "Who?" I said. "De Rebs," he replied. I then asked him: "How many?" He said: "Just about as many as you is." I then sent word to the officer in command to mount, and entered the house, and, without referring to what I had heard, spoke to the lady politely, excused myself, returned to my escort and started south, on the road the Rebels had gone, with the hope of overtaking them. We rode half a mile, and met a woman on horseback who was an acquaintance of some of my men, and she told us that the enemy had taken a road in a southwesterly direction, and led to the turnpike from Murfreesboro to Bradyville, some three-quarters of a mile distant, and at the western base of one of the knobs over

which the pike passed towards Bradysville. We at once took a road which leads in a southeasterly direction, and reached the "pike" at the eastern base of the knob. We discovered the Rebel cavalry, in numbers perhaps about equal to ours, mounted in columns of fours and in a lane too narrow to admit of deployment. The sight startled me for a moment, but it occurred to me in a flash, that a brigadier-general in Virginia had, while on a trip something like my own, been captured, with two or three horses, and that Mr. Lincoln had said, when speaking of the affair: "I can make another brigadier, but I hate to lose the horses!" Recollecting this, and aware that there was but one way to avoid the laugh of the whole army, I shouted, "Charge!" and we went up the hill on a gallop, charging upon the head of their column, and the whole Rebel column fired as we were riding upon them; but, as we were in fours also, the volley did but little harm, only wounding three or four men, Sergeant Monk, who was just at my left, being one of them. They had no time to reload before we were upon them—the mere weight of our horses overturned horses and riders as we struck them and threw them into confusion. My own horse struck one of them broadside, and horse and rider fell, and my horse recovered with difficulty. They broke, and we overtook and captured some of them in the lane; but, when they passed out of the lane, they scattered in the woods. We captured two officers and sixteen men and a number of horses, and sent them to headquarters. The officers, Captains Edwards and Willis, were, of course, greatly mortified, and had no money. I handed them twenty dollars, to be repaid to any needy Union soldier they might meet, but I have never heard how they discharged their undertaking.

The fate of one poor Rebel on that day was most singular, as well as unfortunate; being closely pursued by one of my escort, who frequently called upon him to halt, he received a thrust by a saber which entered his lungs. Upon examination by Dr. Menzies, who was

with us, it appeared that the air passed from the wounded lung, and did not escape through the wound, but in the skin. It penetrated the tissues and distended them in the most astonishing manner. I had him taken to the house of the widow, told her she was responsible for his situation, and required her to give him needed attention. He lived but a day or two, and died from suffocation.

One evening, while at Cripple Creek, I was strolling about the camp and heard, in the officers' tent of the 110th Illinois, the sound of some old familiar hymns, such as I had heard in Illinois many years before. I stopped to listen, and when the singing ceased, a voice was lifted in prayer, which expressed the most patriotic sentiments. Having asked who was the leader, I was told it was George W. Lasater, a private in the regiment. The next morning, I issued an order, to be read at dress parade in the evening, relieving Lasater from "fatigue and guard duty." The following morning, a tall, bronzed man came to my tent, touched his hat to me, and requested that the order be rescinded. I told him that most soldiers were willing to be relieved from duty. He replied that it was a matter of conscience with him; he had enlisted and taken the oath to perform his duties. Subsequently, he was chosen by the men to take their money to Illinois and distribute it among their families. I then told him that I would recommend to Governor Yates that he be appointed chaplain of the regiment, as he had been performing the duties of that position. He said he was a mere local preacher, and was not eligible to the office. I told him that being a Methodist, they would qualify him, as they would never allow an informality of that sort to interfere with his acceptance of an office.

The sequel proved I was correct, for Bishop Ames took him to Delaware, where the general conference was in session, and sent him back with his commission. After the war, I met him at Marion, Williamson county,

and complimented him upon his patriotism, and his wife told me with tears in her eyes that it was less dangerous for him to have gone into the army than to have remained at home, because of the divided sentiments of his neighbors. The next and last time we met, he was chaplain of a Garfield Club. I went to his pleasant home, and he told me the land was nominally his, but that I having suggested his chaplaincy, it belonged to me. I considered that my suggestion had borne excellent fruit in the promotion of the interests of a good man.

The army remained in and around Murfreesboro until June 24th, and though my advanced position and my rare visits to the headquarters separated me from the bulk of the army, and kept me in comparative ignorance of the situation and plans of General Rosecrans, still I discovered that the political situation in the North and intrigues at Washington had their influence upon the operations of the army.

I knew from information that I thought reliable: that there was a desire among the more radical leaders to find some candidate for the presidency to supersede Mr. Lincoln, and that their attention was directed towards Rosecrans, who was then rated very high as a military man. My conversation at headquarters upon such subjects was chiefly with General Garfield, whose views I never attempted to penetrate, but I suspected him of being in the confidence of Governor Chase and Senator Wade and others, whom I supposed were opposed to Mr. Lincoln.

Early after, I discovered that discussions of the character I have indicated were frequent in the army. I expressed my own views so distinctly that I was not taken into the confidence of any one opposed to Mr. Lincoln. I believed then, as I do now, that the professed eagerness of Chase and Wade and their *confreres* to crush the rebellion, and their opposition to Mr. Lincoln, based upon the supposed feeling of reluctance to the adoption of measures of severity towards the Rebels, were merely

the result of their eagerness to take advantage of the popular feeling in the North, and force themselves into the lead. Up to 1861, I had felt for Governor Chase the greatest respect and admiration, but had come to regard him as excessively ambitious, and to believe that this weakness made him altogether selfish and unsafe as a political adviser to the president or as a party leader. In 1861, in the peace conference, he had advocated a national convention as a means of settling the impending difficulties between the North and South, and when asked by Colonel Doniphan, then a delegate to the conference from Missouri, "Suppose a national convention should assemble and should agree to divide the Union, what then?" and he answered, "I know of no authority superior to a national convention," I made up my mind that he was entirely willing to be president of the Northern republic. He righted himself as chief justice, and in this place proved he possessed great judicial talent.

The long delay in the movements of the army had early in the spring excited the anxieties of the people of the North, and when the fine weather of the latter part of April and early May came on, the army manifested some impatience. I had no share in the confidence of General Rosecrans, and was therefore surprised to receive, on June 9, 1863, a circular addressed to the corps and division commanders of the army, the substance of which will appear by my answer, which was as follows :

"HEADQUARTERS 2D DIV., 21ST ARMY CORPS,

"CAMP CRIPPLE CREEK, *June 9, 1863.*

"LIEUTENANT-COLONEL C. GODDARD, *Asst. Adj. Gen., Dep. of Cumberland.*

"COLONEL—I have the honor to acknowledge the receipt, at 12 M. last night, of the confidential note, propounding to me the following questions, viz :

"1st. From the fullest information in your possession, do you think the enemy in front of us has been so ma-

terially weakened by detachments of Johnston, or elsewhere, that this army could advance on him at this time, with strong, reasonable chances of fighting a great and successful battle?

"2d. Do you think an advance of our army, at present, likely to prevent additional reenforcements being sent against General Grant by the enemy in our front?

"3d. Do you think an immediate or early advance of our army advisable?

"I must be allowed to state, at the outset, that my information of the present strength, position, probable purposes, and late movements of the enemy in our front, is very incomplete and unsatisfactory. It is confined to facts gleaned from my intercourse with the people in the vicinity of this place, Readyville, Woodbury, Bradyville, etc.; the reports of citizens' scouts, whose excursions are limited to very short distances in the supposed direction of the enemy, and from conversations with prisoners taken by my command, travelers, refugees and deserters who have escaped to our lines, and such other sources of information as are open to every other officer of the army.

"My opinion, formed from these scanty materials, can, I am aware, have very little value, but I very cheerfully proceed to express them.

"I do *not* think the enemy in our front weakened materially by detachments to Johnston; the weight of the facts in my possession impresses me with the belief that General Bragg has sent from his army to Mississippi not far from 15,000 men, but I am reliably informed that troops have been withdrawn from garrisons, convalescent camps, etc., in Northern Alabama, Georgia and perhaps elsewhere, to replace them.

"I estimate the actual deduction to be made from Bragg's strength, on account of troops sent to Mississippi, in numbers at 10,000 men; in general effectiveness, something more. Notwithstanding this impression of the strength of the enemy, which assumed, by the way,

his inferiority to us, I do not believe this army can advance on the enemy with a reasonable chance of fighting a great and successful battle; I do not believe he will fight a decisive battle under such circumstances. It is now of vital consequence to the enemy that Bragg's army should be kept unbroken.

"If Vicksburg falls into our hands, it will probably be required as the nucleus of all further operations in the West and South.

"He is in possession of one or more fortified places of considerable strength on his present line. His line of retreat is over a rough, almost mountainous country, traversed only by narrow roads, easily obstructed or defended; every march brings him nearer to reenforcements. I think he would fall back slowly, watching closely, ready to take advantage of the accidents, obstructing our advance, and attacking our lines of communication.

"We can take care of ourselves, but we cannot compel him to fight a battle upon equal terms. I do not think an advance of our army at present likely to prevent reenforcements being sent against Grant by the enemy on our front. This opinion is based upon the theory that Bragg has already contributed all the forces he is expected to furnish to the Army of the Mississippi.

"The foregoing answer to the second question must be understood with reference to the more general expressions to be employed hereafter in replying to the third question of the series.

"I have already referred to the incomplete character of my information with respect to the present condition of the enemy in our front. I allude to it again, to apologize for withholding a categorical answer to the question, 'Do you think an immediate or early advance of our army, without more complete information than I possess,' if by 'any advance' is meant a forward movement of the army with its trains, etc

"But assuming, what is hardly admissible, that the general commanding is as ill informed as myself, I do advise that it be used, as far as possible, without involving it in a long march and needlessly extending its lines of communication, in giving employment to the forces of the enemy with his superior numbers of cavalry in our neighborhood. It may be that he meditates further aid to Johnston, and he may be induced to do so by our inactivity.

"The Army of the Cumberland has probably reached its maximum efficiency; what it will gain hereafter in drill and discipline by a longer continuance in camp will be lost by the growth and influence of habits of idleness and self-indulgence upon officers and men.

"With great deference I submit that the enemy may, without risking engagement under circumstances disadvantageous to us, be compelled to develop his strength and his purpose. The reasons which will induce Bragg to decline a decisive engagement with our army under present circumstances ought to prevent us from risking it. If Grant fails before Vicksburg, it would be unfortunate if this army is then found entangled in the interior of Tennessee.

Very respectfully your obedient servant,

JOHN M. PALMER, *Major-General.*"

I had before heard that the secretary of war was urging an advance of the army, and was not surprised on the 23d of June to receive orders to move in the general direction of Tullahoma, where Bragg was known to be, though his forces were at different points along his front, in observation. Crufts' and Gross' brigades were with me at Cripple Creek, and Hazen's at Readyville. We marched on the 24th, about nine o'clock, in a heavy rain, and in the afternoon with a battalion, 110th Illinois, consolidated, and my escort, 7th Illinois Cavalry; we encountered a small Rebel force, and drove it before us nearly a mile. We went into camp that night; it was

still raining and moved next morning (still raining), and after a short march reached Gillie's Hill, a miniature mountain, and as the roads were horrible and the rain continued, did not succeed in getting our artillery and baggage up until about noon on the 27th.

I was at a place called "Hollow Springs," on the 27th, and while there the scouts brought in as prisoner a well-known preacher, whose name I need not give, and of whom I had heard it reported that the year before at one of his meetings had prayed, "O, Lord! give us rain enough to help the crops, but not enough to raise the river for the Yankee gunboats to come up to rob us of our property and scatter our wives and children."

When brought to me he handed me a copy of his oath of fidelity to the United States, but while I was examining it the officer having him in charge took from his pocket a certificate of his loyalty to the Southern Confederacy and a protection in due form! As was sometimes said of others, "He carried his papers in both pockets, as he did not know into whose hands he might fall."

After we reached the top of Gillie's hill, we pushed on over the barrens, in which were spots underlaid with quicksands, the crusts of which would sometimes break and a wagon sink to the hubs in a moment.

On July 1st, we moved out over horrible roads for a few miles, and under an expectation of an engagement formed line of battle, but the enemy retreated; we pursued them to Elk river, near the foot of the Cumberland mountains, found the river full and rising, then fell back on the Hillsboro road, a short distance, and went into camp.

We left Cripple Creek on the 24th of June with light rations for twelve days, but the constant rains had spoiled much of the bread and other supplies, and we were now, on the third day of July, substantially out of supplies, and the men were suffering from hunger. Observing their situation, I sent a regiment in advance,

under charge of Captain Howland, quartermaster of the division, with instructions to select a spot for a camp and post guards so that I could march the men inside the guard lines before stacking arms.

There is no more sagacious animal than an old soldier. They saw the regiment I had selected move off to the front and divined my object instantly, and by common consent determined to outwit me.

I paid no attention to them until we overtook the regiment that was to form the camp, and observed, as I thought, that the ranks were thin. I then hurried forward, and had guards posted, and watched the regiments as they filed into the lines, and am quite sure that a full three-fourths of the men had broken ranks, probably in many cases by collusion with officers who were off foraging.

Soon I heard shots in many directions, and within an hour men commenced coming to the guard lines loaded with the product of the raid. I had determined upon a "divide" with them, and ordered that when a man reached the lines he should be marched to my quarters with his plunder, and as they came with parts of cattle, hogs and sheep, and whatever else they had, it was piled up until there was more than a ton of meat, and I had a large number of hungry, angry men watching for the result.

The conclusion of the affair was both ludicrous and pathetic, and demonstrates that absolute authority cannot afford to be laughed at or indulge in the luxury of pity. The first attack upon my authority was made by a very small man of the 6th Kentucky Infantry. He was a German, and was brought in sweating under the half of a hog. At my order he threw his load down on the pile, and I said to him: "Who gave you leave to break ranks, and go out and steal?" "You dit," he said. I replied: "You lying rascal, I never authorized you to steal." He said: "You dit." I saw the men standing around were enjoying the scene, and said:

“When did I authorize you to steal?” He said: “At Stone River, you ride up and you say, ‘Stand up to them, 6th Kentucky, and you may steal for six months?’ ” I could hear the crowd of men behind me laughing, but remembering the occasion, I told him to stand aside, and his evident disappointment added to the mirth of the bystanders.

The men were being steadily brought in, and finally the guard brought forward a fine looking young man of the 41st Ohio. He had the half of a calf he had found and killed. I ordered him to throw it down on the heap and he did so. He stood very respectfully for a few minutes, and then said: “General, arn’t you going to let me have my meat?” I answered: “No; you break ranks, go out and rob the people, and then expect to have the result of your robbery!” To my surprise, the tears ran down his cheeks. I said: “You great overgrown booby, are you crying about a thing of this kind?” and he replied, “General, I have had nothing to eat since yesterday morning; we had to march before the orderly distributed the rations.” I sent for his orderly sergeant, who confirmed the statement. I gave him his veal and a cup of salt, but felt that my authority was subverted—I had been laughed out of the hog, and cried out of the calf. I summoned the brigade commissaries and they divided the supplies to the satisfaction of all parties. For a long time afterwards I could occasionally hear the dialogue between the little Dutchman and myself slyly repeated.

CHAPTER XV.

Manchester—Governor of Tennessee—Union refugees—Cross the Tennessee river—Lookout mountain—Ringgold—Battle of Chickamauga—Colonel Robinson—Return from Chickamauga—Russell's battery—Fatal order.

On July 8th, we returned to Manchester on the line of railroad from Tullahoma to McMinnville, where we remained for some three weeks refitting, for further operations.

I remember nothing more pleasant in my camp experience than the time spent at Manchester. I found there some acquaintances made before the war, and met relatives of friends residing in Macoupin, Montgomery and Bond counties in Illinois. The young men were mostly absent in either the Rebel or Union armies, while the men at home were chiefly for the Union. They were exceedingly friendly, and visited the camp in large numbers.

The Confederate army had so exhausted the country that my hospitality was severely taxed. My rations of coffee and the usual army trimmings were very acceptable to the women, and the commissary whisky, of which the supply was abundant, was enjoyed by the men.

We talked of politics and of Illinois, of which they had heard something, and the state lost nothing by my accounts of its fertility and prosperity. The election for governor and other state officers of Tennessee was near at hand, and my visitors requested me to remain and be a candidate for governor of Tennessee. In fact, a delegation from "Hubbard's Cove," which was a beautiful place at the base of the Cumberland mountains, followed me a day's ride to tender me the votes of Grundy county if I would stay and be a candidate for the office. I was

then in motion for the Sequatchie valley, and was compelled to decline the honor.

On August 5th, I moved under orders for Dunlap in the valley on the Sequatchie river. We made a short day's march, and camped for the night at a place called Villanow, and next morning a guide reported to me to conduct us to "Irving College" on Collins river.

I proposed to my guide to take my escort and move across the mountains by way of Altamont, as being more direct, and leave my division to move up by the turnpike, but he declined to guide me over that route for what seemed to be a very satisfactory reason.

When I made the suggestion, he answered, "I suppose you know the mountain is full of guerrillas." I said, "Yes, but they claim to be Union guerrillas, don't they?" He answered with a smile, "Yes, they do; but if a man with a good coat on his back tries to pass through there, they wouldn't care for its color. All they would hate would be to put a bullet hole through it to get it off of him." I didn't go by that route.

We reached Irving College in the afternoon, and found one of the loveliest spots I ever saw. It is but a short distance from the Cumberland mountains, from which it is separated by the Collins river.

A well-constructed turnpike leading from McMinns-ville over the mountains passes through the valley. The college building was a brick school room of no great extent, which was surrounded by wooden dormitories. I found there a lady, wife of the president of the institution, who had some years before, as Miss Harriet Whitaker, been a teacher in the public schools at Carlinville, Illinois. She invited me to take supper with her, which I did. She had little, but it was well prepared. Just before we took our seats at the table, she knelt down in front of a fire-place, raised a short board in the floor, reached down a full arm's length and brought her silver spoons into view. I asked, "why she had placed them there?" She answered with a confused smile, "I

heard you were coming, and did not want you to be tempted."

Next morning, we resumed our march and ascended the Cumberland mountains. We had passed hills before, but this was my first experience in mountain operations. The roads were excellent, and by two o'clock in the afternoon, artillery and baggage had reached the top of the mountain, and then we marched for ten or twelve miles on a level road with houses and farms on both sides and no great distance apart.

A number of Union refugees were with us, who took advantage of our march to return home. I witnessed many of the reunions of those men with their families, and found one dying man, who had been shot by the guerrillas, who was falling back before us.

I was informed, on reliable authority, that in the bloody feuds between the Union men and the Rebels, that at least thirty men had been killed in the neighborhood of the point where we reached the top of the Cumberland mountains.

We spent one night on the mountain, and next day reached Dunlap, where the brigades of the division remained until the 30th of August. I marched with Hazen's brigade over Waldon's ridge, which equals the Cumberland mountain in height and width, and with the brigade took possession at Poe' tavern, in the valley of the Tennessee river, some fifteen miles from Chattanooga. I remained with the brigade a day or two, reconnoitered the Tennessee river, and found the Rebels in full force on the east bank at the ferries, and then returned to Dunlap. The Sequatchie valley lies between the Cumberland mountains and Waldron's ridge, and at Dunlap does not exceed three miles in width. It is very fertile, and the Sequatchie, a small stream, traverses its whole length.

The able-bodied men of the valley were nearly all in one or the other of the armies; the men who remained at home, with a few notable exceptions, were loyal. The

best evidence of the loyalty of the men of the valley was found in the language and conduct of the women.

On the 31st of August, we commenced marching down the Sequatchie valley and camped on the Little Sequatchie. Cruft moved to Shellmound and crossed the Tennessee river on a ferry boat with Gross's brigade. I moved to the mouth of Battle creek; rafts were constructed from the cedar logs of houses there, and with the mules swimming, and a rope stretched across the river, the brigade, its artillery and baggage, was crossed over, and we marched to Shellmound and joined Cruft, and then pushed forward rapidly, with the hope of saving the railroad bridge over Running Water creek. We were too late, the Rebels had fired the bridge, and it was falling when we reached. We then moved up Running Water creek to Coles' academy, and then crossed into the Lookout valley, where, employing ourselves in reconnoissances in the direction of the enemy, we remained until the 8th of September; and, as Bragg vacated Chattanooga on the 8th, we moved forward in order to occupy that place, and then really entered upon the campaign which included the operations that led to and followed the battle of Chickamauga, and the ultimate total defeat of the Rebel army at Missionary ridge.

The history of this memorable campaign has been written by so many, with all necessary fullness, and with such approximate accuracy, that I will attempt no more than to give an account of my own connection with the campaign, and make only such reference to the acts of others as is necessary in order to make myself understood. There are, too, minor matters of history that may be profitably stated, not on account of their own value, but of the relation they have to more important events.

I will mention some of these matters, partly because they are personal to myself, and partly because they may possess of themselves some, though a subordinate, interest.

Now, to return to my story. After the 21st Corps, with the exception of Hazen's brigade, which was still above Chattanooga, reached Lookout valley, for the double purpose of observing Chattanooga and covering the rear and left flank of the 14th and the 20th Corps, which had commenced their march across the mountain ranges in the direction of Rome, Georgia, it was well understood that the campaign was near a crisis. My own command was occupied in a reconnoissance in the direction of Lookout mountain, which elevation, two or three thousand feet above the valley we occupied, was in possession of the enemy.

On the 9th of September, information reached me from several sources that Bragg had evacuated Chattanooga, and I received orders to move—to occupy the city. My information led me to believe that Bragg did not intend to abandon Chattanooga. I guessed that he had fallen back for the concentration of his forces, or that he would throw his whole force upon the 21st Corps as soon as it cleared the point of Lookout mountain and was fairly committed to the Chattanooga valley.

As will be seen, by reference to the maps, the point of Lookout mountain, a short distance below the town of Chattanooga, approaches the Tennessee river so closely as to admit of a very narrow passage between the river and the mountain; a road then led across the Chattanooga creek, close to the bank of the river, in a north-east direction, to the town, while another road leads from the same point southeasterly, for a distance of probably two miles, to the village of Rossville, where it unites with a road leading from Chattanooga, via the Gap in Mission ridge, to Ringgold. Also, after passing the Gap, another road branches, and leads to Lee and Gordon's mills, and there crosses the west branch of the Chickamauga, and from thence to Lafayette, Georgia.

Being aware of the position of Rossville, with respect to the point of Lookout mountain and Chattanooga, as well as to the Gap and the roads before mentioned, I

obtained permission from General Crittenden to march directly to Rossville, and he ordered Van Cleve's division to march to the same point.

We were then about 12,000 strong in the Chattanooga valley, while Bragg's army, of more than double our numbers, was within twenty miles of us, in a country with which he was familiar, and with good roads running from his front to ours, and at that time the remainder of our army was committed to a march across the mountains beyond supporting distance. During the night of September 9th, I received from the corps headquarters an extract from an order from army headquarters to pursue the enemy in the direction of Ringgold, Georgia, and bring him into battle. The order seemed to be remarkable, for I knew from information collected in the neighborhood that on that day a Rebel force was at Lee and Gordon's mills, and that Bragg himself was at Lafayette.

On the morning of the 10th, and after clearing the Gap to my front of a slight Rebel force, I moved on, crossed the Chickamauga, and reached the hill which overlooked Pea Vine creek valley, and witnessed the most mortifying and humiliating scene that befell me during my military life.

I had ridden, with my advance regiment, the 1st Kentucky Infantry, a regiment which took part in the campaign in West Virginia early in the war, and removed to the West. It had participated in the battle of Pittsburg Landing, or Shiloh, and acquitted itself with great credit. When we reached the point I have mentioned, I could command a view of the valley for a great distance.

The road from Cleveland to Lafayette crossed the east branch of the Chickamauga at Greyville and ran south on the east side of Pea Vine creek, along the valley for miles. The road was concealed from my observation by the small timber and brush along the creek, but from my position on the hill I could, by noticing the dust, determine that

cavalry and infantry were passing across my line of march going south. It was easy to determine that the infantry force was small, but not so easy to determine the strength of the cavalry. To satisfy myself, I ordered Major Norton, of the 42d Illinois, my senior aid, to ride with my escort, some forty men, to the front, to ascertain the facts. In the meantime, the troops had filed past me, and the head of the column had reached the skirt of timber near the creek. I saw Norton come at a gallop, pursued by a superior force of the enemy; the troops in front were thrown into confusion. I rode forward, at full speed, and before I could reach the spot the Rebels, under the cloud of dust, captured two officers and fifty-six enlisted men, all from a veteran regiment. I followed with my escort, but found myself soon in the presence of a largely superior force.

I have never suffered from disease or other cause the agony produced by this event. Not a gun was fired, but the Rebels, at full speed, rode up, and captured all these men with loaded muskets in their hands.

The remainder of this regiment revenged the insult inflicted upon them in the battles of the 19th and 20th, which were fought but a few miles from the scene of their humiliation, and I confess that I felt much as they did, and watched them with a glow of feeling, which is partially aroused now within me by this brief recital of their obstinate gallantry. The next morning, September 11th, we resumed our march in the direction of Ringgold, and then drove the Rebel forces through one pass in the mountains, and destroyed the railroad for a few miles.

During the evening, General Crittenden overtook us, and informed me that Rosecrans had discovered the real meaning of Bragg's movement, and had gone to join Generals Thomas and McCook, who, with the 14th and 20th Corps were still in the mountains; Crittenden's purpose, upon this discovery, was to move in the direction from which the other corps were expected, in order

to unite the whole army before Bragg should advance upon us in force. On the 12th I moved with only my artillery and ambulances, until I reached Peavine valley, in order to cover our transportation, which Van Cleve with his division conducted by the direct road to Lee and Gordon's mill, where Wood, with two of his brigades, was already posted.

Upon reaching the road leading up Peavine creek, citizens informed me that a heavy cavalry force had, during the night, passed in the direction of Lafayette; the bridge was cut and fords blockaded.

I reached a point at the junction of the Lee and Gordon and the Lafayette roads, and waited there for some time, to give Van Cleve time to pass; I then moved up the creek and attacked the enemy, who were in comparatively light force. I advanced still further up the valley, driving them before me for some distance, until the volume of fire satisfied me that we were in the presence of a heavy, probably superior force of infantry.

As the concentration of the army and not a partial battle was the object, I withdrew to Lee and Gordon's, and then crossed to the west side of the Chickamauga, and camped near the point, to which we returned a few days afterwards, to engage in the battle of Chickamauga.

Sunday, September 13th, was a busy day, for it was obvious that General Bragg was moving upon us in force and that a battle was impending. Reconnoissances were made to our front, and in the direction of Peavine valley to the east. On the 14th, I marched across Missionary Ridge into Chattanooga valley; on the 16th I returned, moved up the Chickamauga valley, passing Crawfish Springs, for several miles to Gowans, and watched the fords and bridges; crossed the river on the 17th, to feel for the enemy; encountered a party and drove them back over the hill.

On the 18th, the enemy more bold, attacked one of my outposts, but were repulsed with some loss to them, and

the heads of Thomas's column beginning to arrive, I gave place for some of this force, and moved down the river towards Crawfish Springs.

In the afternoon, with one of my brigades, I relieved Barnes' brigade, who were defending a ford against an obstinate attempt of the enemy to cross. I then rode to the headquarters at Crawfish Springs, and learned there that Rebel troops from Virginia were hourly expected to arrive at Ringgold, and found that Bragg was moving north, on the east side of the river, to unite with the force from Virginia, and then to interpose his whole army between us and Chattanooga.

It was now a race for a battlefield, and it remains to be seen by what slight circumstances the result of the race, as well as of the subsequent battle, was determined.

It was no doubt the intention of Rosecrans that Crittenden's corps should take position to defend the crossing at Lee and Gordon's mills, and that the 14th and 20th Corps should proceed, by a road leading from Crawfish Springs, along the base of Missionary Ridge, and reach the Chattanooga road to the north of Lee and Gordon's mills, and by a further movement to the left, confront the enemy, and fight a battle for the defense of Chattanooga; but an incident brought the two armies into collision earlier than either intended. During the night of the 18th, I attempted to reach Lee and Gordon's mills, but the narrow pass at Crawfish Springs was so crowded with artillery and marching columns that I spent the whole night on horseback, and only reached my position about sunrise on the morning of the 19th. At that time Thomas had gained a considerable distance on our left, in the direction of Chattanooga, and early in the forenoon Gross's brigade was sent north on the Chattanooga road to reconnoiter and learn something of the positions and movements of the other portions of the army.

At half-past nine o'clock I received a note from General Thomas, the important effect of which will appear from an article clipped from the Southern Confederacy,

a newspaper published in Atlanta, Georgia, October 2d, which I copy: "It is said that General Bragg's plan of attack was designed to be the same as that of General Lee on Chickahominy, viz., a movement down the left bank of the Chickamauga, by a column which was to take the enemy in flank, and drive them down the river to the next ford or crossing below, when a second column was to cross over and unite with the first, in pushing the enemy still further down the river, until all the bridges and fords had been uncovered, and our entire army passed over.

"This plan was frustrated, according to report, by a counter movement, which is explained in the following order of the Federal General Thomas. This order was found upon the person of Adjutant-General Muhleman, of General Palmer's staff, who subsequently fell into our hands:

'HEADQUARTERS 14TH ARMY CORPS,

'NEAR MCDANIEL'S HOUSE, *October 19, 1863, 9, A. M.*

'MAJOR-GENERAL PALMER—The Rebels are reported in quite a heavy force between you and Alexander's mill. If you advance as soon as possible on them in front, while I attack them in flank, I think we can use them up. Respectfully, your obedient servant,

GEO. H. THOMAS, *Maj.-Gen., Com'd'g.'*

"This was Saturday morning; the counter attack upon the front and flank of our flanking column was made with vigor soon after it crossed the river, and in accordance with the plan suggested by General Thomas, and if not entirely successful, it was sufficiently so to disarrange our plans and delay our movements."

There is no doubt but that the plan of Bragg's attack was as stated in the newspaper article, but his object is not correctly indicated. The purpose for which the corps referred to was crossed over the Chickamauga was that it should catch our advance in movement, and while it was engaged the troops of his center and left

should move on the east bank and cross over and turn our left. Longstreet's Virginia troops were to have moved directly on Chattanooga, by way of one of the roads leading from Ringgold.

Rosecrans fully understood the purpose of Bragg. As I was moving north along the Chattanooga road he suggested to me to move east in eschelon by brigades, my right refused. I did so, and in less than a quarter of a mile my whole command struck the enemy at the same moment, and Thomas with Brannon struck them nearly the same time. The fight was extremely fierce from the beginning, but we drove them back for half a mile; and as the enemy had disappeared from my front, I ordered Hazen, whose ammunition was exhausted, to go to the rear and fill his boxes. In the meantime Bragg, defeated in his plan, as before described, pushed his center and left across the creek to my right and attacked Van Cleve, who was forced to retire.

Hearing the fire receding on our right, I rode in the direction of the road, and feeling the necessity of prompt action I rode up to Colonel Milton S. Robinson of the 75th Indiana, who belonged to Reynolds' division, and who had served under my command on the Mississippi, and learning from him that his regiment had never been in battle, ordered him to "form" and charge the enemy. He obeyed, saying that he did not belong to my command, but would obey my orders. He ordered a charge, and his new regiment, some eight hundred strong, led by Robinson and myself, rushed upon the enemy with shouts that made the woods ring, when they yielded, and were thrown back a quarter of a mile or more. The men we had driven before us were good soldiers, who were for the moment surprised by the rush of this large regiment. I told Robinson that they would return and that his raw troops could not withstand them, but advised him to keep up appearances as long as he could, and rode to the left to reach my own two brigades, which were by this time at a distance of perhaps a quarter of a mile.

As I rode forward in a gallop I looked down a hollow to my right front and saw a Rebel line advancing up a hill in the direction of Cruft's brigade, which I could see, and at the same time observed that they had not noticed the approach of the enemy. I increased my speed and shouted as I reached the right of the line to call attention to the coming Rebels, and they reached the plateau a moment afterwards. They charged us at once, and were received with a volley which did not check them. On they came, and then followed one of those noisy scenes that some times occur on a well-fought battlefield. As they pressed us our lines were pushed back, and there seemed imminent danger that my line would break, and then I knew demoralization would follow. The Rebel mounted officers were in front of their lines encouraging their men and using every effort to prevent disorder.

I remember that I noticed one Rebel officer some distance in advance of his command, calling them to come forward and firing at us. I drew a pistol from my holster and fired at him, with what success I never knew. We were pushed back until I saw General Turchin to my left with his brigade. He ordered a charge, and as he came up, my men rallied and joined in the movement. In an instant all was changed. The Rebels had by this time become disordered, and they were unable to withstand our assault. They broke and we pursued them. We captured some prisoners. A few were brought to me. I ordered that their guns be broken, and told them to "go to the d——l!" They pushed to the rear, glad to escape the melee.

As soon as the excitement occasioned by this lively affair was over, I heard firing to my right rear, by which I knew the enemy were pushing our troops who were in that direction. I rode in the direction of our fire, passing within a hundred yards of the right of the Rebel advance—a few of whom saw and fired at me. I was on

the wing, however, and passed them; found that Reynolds of Thomas's corps had collected a few pieces of artillery, and with a part of his infantry had checked the Rebel advance; and after proceeding a little further, I met Colonel Robinson, whose regiment had charged the enemy so gallantly an hour before. He had about fifty men with him, and told me most mournfully that his entire regiment, with the exception of the few men with him, was destroyed. I knew from the composition of his regiment that the majority of them, all new men, had taken care of themselves, and I tried to comfort him with that assurance. He, however, said that he knew them better than I did, and that they were all brave men, and had either fallen or were then in the hands of the enemy. I laughing offered to bet him ten dollars that when he issued rations the next morning, he would not miss twenty-five men. He looked vexed at my offer. I rode off; but when we met again, he said I was "nearer right than he was."

It had turned out as I told him it would after we had made the charge with his regiment, of which mention has been made. The Rebel forces that we had driven before us were good soldiers, and when they got over the idea that they were in the presence of an overwhelming force, they returned. They did so, and Robinson's raw men acted sensibly and got out of the way. Two months later, at Missionary Ridge, the same men would have been found hard to drive from a battlefield.

My connection with Robinson's regiment involved me in an amusing affair. In October, 1872, I went to Anderson, Indiana, where Colonel Robinson lived, to make a "Greeley speech," and when I reached the town, I heard that Colonel Robinson was a candidate for congress on the Grant ticket. He was opposed by a gentleman whose name I have forgotten, and I was told that the opposition to Robinson were using against him with some effect a charge that he had exhibited cowardice at

Chickamauga, and his conduct at the time referred to was mentioned in support of the charge. I addressed a large audience at the Fair Grounds, and discovered Colonel Robinson present and apparently one of my most attentive listeners. After the conclusion of the address, Colonel Robinson went up to the town with me, and on the way informed me that arrangements had been made for me to speak to the people on the public square in the evening, and that a large number of soldiers who had served with me would be present. He then told me of the charge made against him, and reminded me of the circumstances already detailed, and asked me to do him "justice" in my evening address. Though I liked him very much, I bantered him by saying with gravity that, inasmuch as he was a candidate on the Grant ticket, it seemed that I could hardly afford to help him until after the election, but as I made him a kind of conditional promise to refer to the subject, he left me, obviously not well satisfied with the rather unsatisfactory assurance.

Upon reaching the stand from which I was to address the people, I found Colonel Robinson on the platform awaiting my arrival. He sat and listened with great patience to a speech of an hour and a half, and as I intentionally acted as if about to close, he plucked me and reminded me of my promise. I therefore told the audience that I had heard that Colonel Robinson was a candidate for congress, and was anxious to beat a good Greeley man, his competitor, and that some of the supporters of our candidate had charged and claimed that they had proved the charge that Robinson had acted in a cowardly manner at Chickamauga. It was dark around me, but many voices responded that the charge had been made and proved, and as many or more voices denounced the charge as false, and added that the men who had made the charge were "liars." As soon as I could make myself heard, I asked if any of the men of the 75th Indiana had made or repeated the charge? This was answered by shouts of "Yes, yes;" and I then asked any one of

the 75th Indiana who made the charge to come forward to the stand ; but, as I expected would be the case, no one responded. After waiting a few moments, I proceeded to tell how promptly Robinson had put himself under my orders, and how gallantly he had led his large regiment of raw troops in his charge on the enemy, which I have described, and then told of my meeting with him when he was mourning the loss of his regiment, and of my offer to bet him "ten dollars" that, when he issued rations next morning, there would "not be twenty-five missing."

This disposed of the charge of cowardice against Colonel Robinson, and he was elected to congress. I have had some reason since that time, in my own case, to observe that false charges of military misconduct are easily made, and that some soldiers who know the truth are mean enough to be silent when the charge is intended to subserve partisan purposes.

After this affair, my division fell back to a point near the road, leading from Lee and Gordon's mills to Chattanooga, and the enemy made one more effort to reach our left, but they failed, and the day closed with the advantage in our favor.

Bragg's plan, as detailed in the article I have copied from the Atlanta newspaper, had failed ; our whole army had reached the field, and was strong on our left, which was the point of danger, though our corps organizations were broken up, and really the battle of the next day was fought by divisions and brigades.

After supper, I left my troops to go in search of some superior officer, to obtain information and orders for the next day. I found the headquarters of the army, and was informed that I could not see either General Rosecrans or General Crittenden, and returned to my command without either information or orders. I had then been without sleep forty-eight hours. I gave orders to be called at daybreak, and remember no more until I was aroused in the morning. Taking a hasty breakfast,

I started out to find the line to be occupied ; saw General Thomas, who told me that I was to report to him for the day. He pointed out to me the position to be occupied by Baird's division, of Thomas's 14th Corps. Johnson, of McCook's 21st Corps, moved and formed on Baird's right ; my own division, of Crittenden's 20th Corps, moved, came next ; then Reynolds, of the 14th Corps, on my right ; but the sun was up before our lines were formed, though we could distinctly hear the enemy at a short distance in the woods before us. Bragg claims that he ordered General Polk to attack us at daybreak. If he had done so, with the force and energy with which the Rebel attack was made at eight o'clock, the battle would not have lasted an hour ; we would have gone to Chattanooga on the run. But I have always believed, that, after the rough handling the Rebels had received on the 19th, we were as well prepared for battle on the morning of the 20th as they were.

About eight o'clock, the Rebels made an attack, first striking Baird, then Johnson, then my own division, and with less force and vehemence the attack reached Reynolds, who was connected with my right, but his line receded to the rear, to conform to the situation of the ground and maintain his connection with Brannan, whose line was formed facing south by east. When the attack was made, we were ready for them, and men never fought with greater determination. The roads to our front were almost free from undergrowth, so that we could see the line of the enemy at a distance. As they came, they successively descended into a hollow, which was probably three hundred yards distant from my left, but approached the right within a hundred yards or less. When they got fairly into motion, they rushed forward in double-quick time, with the Rebel yell, that we had then heard too often to be startled by it. My men, behind hastily constructed defenses, waited in silence for orders to fire, and, when orders were given, a steady,

deliberate volley was fired, which seemed to me to sweep the field to our front.

Russell's battery, of four twenty-four pound howitzers, and Cushing's two twelve-pound and four Napoleons, and Standart's rifle gun, poured shell and grape into the advancing lines. The impulse of the charge was such that men reached within thirty yards of our lines before they fell. These assaults were repeated with an impetuosity that threatened to overwhelm us, but I had such confidence in the officers and men of my division, that I at no time felt the slightest apprehension.

The next operations of the day, that most threatened, were those directed against Baird's division on our extreme left.

Once the attack from that quarter was so heavy that Gross's brigade, then in reserve, was sent to support the left, against a movement around our left flank, Gross was repulsed and the brigade thrown into disorder, and while riding rapidly to rally it, my horse was struck and knocked down. I left him, and on foot took part in the effort to rally the regiments. We succeeded in this, and when practically reformed, we returned to the attack, and with a brigade which was sent to our support, the enemy were repulsed, and the left cleared of their presence.

I returned, and found that my horse, which had been struck with a glancing bullet, was on his feet again. From this time, which must have been two o'clock in the afternoon, everything seemed safe; the enemy had been repulsed at all points, and I fully anticipated that the day would close with victory to our arms. I have already said that the last operation of the left arm of the army, was the repulse of the enemy, which attempted to turn that flank, and that then everything seemed to promise the final repulse and defeat of Bragg's army, and a rapid pursuit of his retreating forces.

I do not know with accuracy the time when I heard heavy firing to the right, and soon noticed by the sound,

that our line was broken, and that the Rebels were pressing rapidly forward in pursuit of retreating troops.

Feeling that everything depended upon successfully resisting this advance of the enemy, I withdrew Hazen's brigade from the line of battle, and ordered him to march to the support of the troops who were defending the line, and replaced it with Gross's brigade, which had already suffered heavily, but which would, I felt, be able to hold the position from which the enemy had been repeatedly repulsed. I watched Hazen's movements until I heard his fire and the shouts of his men, and then attention was again given to the situation of affairs on my front.

Surely, no spectacle could be more pitiable than the one witnessed. The number of the dead was astounding. I looked down the hollow which I have described as approaching my right, and noticed that a great many apparently wounded men had crept into it to avoid the fire from our lines, and were unable to go farther. Surgeons seemed to be amongst them, while sharpshooters were beyond them on the hill, picking off such of our men as came within their reach. Colonel King, the gallant commander of an Indiana regiment, was shot dead while standing near me, and others were killed and wounded.

I did not spend much time in this way, however, for the firing still continued to recede, and soon it seemed as if our line was irretrievably broken. About this time, the commander of one of the divisions near my own, approached me and said that I was now the ranking officer on the field, and that I ought to order a retreat of the divisions on the left to Chattanooga. He said the right and the center of the army were defeated, and no doubt Rosecrans and Thomas were killed, or in the hands of the enemy. At the moment the prospect did appear gloomy, and I was inclined to apprehend that matters were as bad as he supposed them to be.

I told him, however, that if it was true the Rebels had

defeated the right and center of the army, and had captured or killed Rosecrans, Thomas, McCook and Crittenden, that so far as I was concerned they might have every man of the four division they could take; that we would cut our way to Chattanooga; that "I had rather be killed, and be d—d, than be d—d by the country for leaving the battlefield under such circumstances." Not long after this conversation, while looking towards the eastern slope of the mountain, where the fighting was still going on, I noticed the battle-flag, which I was soon able to make out as that of the reserve corps, commanded by General Gordon Granger. Soon, by the aid of my glass, I could see troops moving from the north, in the direction of the advancing enemy, and then I noticed the meeting of the reserve corps with the enemy, and in all my experience I have never witnessed such desperate hand to hand fighting. The sound of musketry was so incessant and rapid that it was a continuous roar. No one can tell how long this lasted; the advance of the enemy was checked, but the line of battle had become untenable.

It was nearly sunset, when I observed that Reynolds' division was retiring from my right, moving off. I rode to the rear, in order to learn the meaning of the movement, and met Captain Kellogg, of General Thomas's staff, with orders to "retire from the field," beginning on the right, and then followed one of those scenes that most severely tests the qualities of officers and men, and where the difference between well-drilled troops and the undisciplined is most perceptible.

I ordered Colonel Gross's brigade to retire first, but as I have already said, his troops had suffered heavily during the day, and on leaving the field they did not maintain their character for steadiness and good order. Cruft's troops left the field as if on parade. I sat upon my horse, some three hundred yards in the rear of our late position, and looking over, beheld the splendid order of Cruft's troops moving off the field. I saw the

Rebels cross from our late defenses, and, to my regret, a Rebel battery approached within four hundred yards of where I sat on my horse, at the foot of a large dead pine tree. As Standart's battery passed a Rebel shot struck between the wheels of one of his gun-carriages. The axle was crushed by the shot, and the gun seemed to leap in the air and then fell to the ground, and as the Rebel fire seemed aimed at Cruft's flank, I expected that soon a shot would enfilade his line with terrible slaughter. While completely absorbed in the scene before me, and in an agony of apprehension, in view of what I supposed to be the danger of Cruft's men from the battery, my horse sunk to the ground, and I fell at the foot of the tree I have mentioned. I was at once conscious that my hat had fallen off, and that my hair, mouth, eyes, and collar, were filled with some soft substance, but what it was I could not, for a moment, blinded as I was, even guess.

I arose to my feet, cleared my eyes, and then found that a shot from the Rebel battery had struck the dead pine, a piece from the tree had probably fallen upon my horse, and prostrated him, and had, at the same time, covered me with the soft, rotten wood. I waited a short time to see Cruft enter the skirt of timber, called for a horse, and my pony, having been knocked down twice that day, was again on his feet. I mounted him, and rode from the field, up the slope of Missionary ridge. Cruft halted at the top of the hill, and sent back skirmishers to protect the men still coming from the field, and they checked the advance of the enemy, which was irresolute and feeble. Hundreds of men and officers, as they came up, with the instincts of good soldiers, fell into line on Cruft's right, and very soon there was a force that would have been dangerous to a pursuing enemy. As soon as all our men seemed to have come up, the disorganized men in the line, with Cruft, moved to the rear and down the west slope of the ridge, into Chattanooga valley, and from thence by the road to

Rossville. I reached Rossville about nine o'clock at night, and there learned the cause, as well as the extent, of our disaster. My own loss was not heavy, in view of the severe fighting in which my division had participated during the last two days, and I felt that my troops had behaved admirably, and were entitled to the greatest credit for their steadiness and courage. I knew that no part of the misfortunes of the day could be attributed to my divisions, or those of Baird and Johnson, on my left, or of Reynolds on my right, and upon inquiry learned that our failure to hold the field against the enemy, was attributable to one of those accidents that defeat the counsels of the wisest and disappoint the expectations of the brave. It was unfortunate that in the rapid movements of the army immediately preceding and on the first day of the battle of Chickamauga, the organization of the army corps was broken up. The first effect of this was the loss of the services of the two distinguished commanders of the 20th and 21st Corps—Generals McCook and Crittenden.

Crittenden's corps, with which I was connected, was composed of three divisions commanded by myself, Brigadier-General Thomas L. Wood and Brigadier-General H. Van Cleve, ranking respectively in the order I have named. In the actual formation of the line of battle on the 20th (as I have stated) Baird's division, 14th Corps, held the extreme left, with the divisions of Johnson, of the 20th Corps, my own, of the 21st, Reynolds and Brannan, of the 14th, with Woods, of the 21st Corps, on Brannan's right. The result of this condition of things was that McCook and Crittenden were practically left without commands, and Thomas in fact acted not as corps commander but as second in command of the army.

During the day, as I have said, the battle was fought by divisions, and orders were given by General Rosecrans directly to division commanders instead of to the commanders of corps, who would have had the right by

virtue of their rank to have modified them according to circumstances with which they would have been familiar and to have superintended their execution.

Our defeat at Chickamauga resulted from the fact that General Rosecrans, ignorant that Brannan's division separated the divisions of Reynolds and Wood, issued an order directly to General Wood directing him to "close up on Reynolds and support him." If this order had been sent through a corps commander it would have been his duty to know, and he would have known, that Wood could not "close up on Reynolds," without leaving his place in the line of battle and moving to the left the whole length of Brannan's division into a position where his division would be useless and the line of battle endangered.

Rosecrans has claimed that Wood should have known that the consequences mentioned would certainly follow a literal obedience of the order, and ought himself to have assumed that the order was given in ignorance of actual conditions, and it was therefore his duty to have disobeyed his directions. The order was received by Wood, and he proceeded to obey it by withdrawing his division from the line of battle, which was at once perceived by the enemy, who passed the opening in the line, caught Wood in his movement, overwhelmed Brannan's right and Van Cleve's left, and changed the fortunes for the day.

CHAPTER XVI.

Retreat to Chattanooga—Rebel artillery—General Rosecrans—McCook and Crittenden relieved—Resigned—Letter giving reasons—Letter from Lincoln—Wounded—Assigned to command of 14th Army Corps.

The army was defeated on the field of Chickamauga from causes which I have explained, but it was nowise demoralized. The soldiers knew that a false move had opened our lines to the enemy, and that until that unfortunate incident they were victorious at all points, for every assault upon our lines had been repulsed with great strength. They knew that the enemy was severely handled, and that Bragg's conduct on the 20th of September satisfied the most timid that he had no disposition to encounter the Army of the Cumberland again in the field. I remained in position the whole day, on the 21st, at Rossville, and about nine o'clock in the evening my division withdrew from its position and moved into Chattanooga, with as much steadiness and composure as it had passed that city nearly two weeks before, and we took our place in line formed for the defense of the city with a determination to hold it to the last.

The ground was cleared and earthworks were commenced, under the direction of the engineers, when late in the afternoon the Rebel army appeared on Mission Ridge to our front, and about the same time they took possession on Lookout Mountain, which at a distance of less than two miles overlooked the city. We pushed the preparations for the defense of the city rapidly, and Bragg caused his artillery to be placed along the "Ridge" to our front and on Lookout Mountain to our right, and there were probably a hundred guns of different caliber looking into our camps and threatening

our annihilation. I will never forget the feeling of awe with which I contemplated this spectacle; and as all parts of our camps seemed equally exposed to danger, I determined to take a position where I could watch the "grand opening." I confess I expected that from the commanding position of the Rebel artillery, hundreds of feet above us, and within what seemed to be easy range of all points in the city, our loss in killed and wounded would be heavy. With this impression on my mind, I seated myself with a few officers on one side of the earthworks on my line where I could observe all points on the Rebel line, and waited for what I imagined would be the coming storm. I did not wait long until the Rebel guns at all points along their line opened as if by a single command, and then in a few moments the roar of the cannon on the hills was repeated by the bursting of the shells high up in the air, and near to and upon the earth around us. My first impression, produced by the roar and apparent confusion, was, that the artillery had inflicted immense injury, but, after looking in every direction, I could not see a sign of harm. After the first volley, the fire from the hills was kept up slowly, but regularly, so that it was comparatively easy to watch its effect. For a half hour, perhaps, our attention was active, but as we saw no evidence of injury done by it, our apprehensions relaxed, so that I noticed many men, who at first seemed excited and alarmed, sound asleep.

For myself, I lost all interest in the affair, so that I cannot tell how long the cannonade continued. I presume that one of the reasons, and perhaps the principal one, why the artillery of the Rebels did us no harm was, that the artillerists from the elevation of their pieces could not depress them so as to aim them at any object, and whatever effect they accomplished was purely accidental.

This effort to dislodge us having failed so signally, the army felt secure in its possession of the city, and

Bragg, who may have expected the scarcity of supplies would compel the army to evacuate Chattanooga, detached Longstreet, with the troops brought by him from Virginia, to seek Burnside in East Tennessee and defeat or drive him from the country.

In the meantime, the loss of the battle of Chickamauga by our army was followed by false reports, which were published in the newspapers of the North, and produced great excitement throughout the country, and reports were made to the war department by the assistant secretary of war, Mr. Dana, who was on the battlefield with Rosecrans, and left the field with the general, and was with him in Chattanooga hours before the struggle was over, and I have always believed that Garfield took no pains to make the actual conduct of the officers and soldiers known to the president or the secretary of war.

The newspapers were filled with the most false and extravagant reports of the battle, and of the conduct of the troops of different commands. I remember one of the reports published in a Cincinnati paper was, that Crittenden's command broke and fled, etc., while the truth was, that Crittenden's corps, either from the accidents of the first day's separations or from the practice of Rosecrans, which was to issue orders directly to any officer of any rank whose services he needed, in disregard of all immediate officers, was broken up on both days of the battle, and Crittenden and McCook were left without a command.

It would have been easy for Rosecrans to have overcome this difficulty by assigning to Crittenden and McCook the command of certain troops in the line of battle, as Johnson's division of the 20th Corps and my own of the 21st Corps were assigned to Thomas. Baird, of the 14th Corps (Thomas), was on the extreme left, and Johnson's and my own followed. If Crittenden's had been assigned to the command of Reynolds, Brennan's and Wood's divisions came next in the order of the

formation of the line of battle, the fatal order to Wood to "close up on Reynolds and support him," would not have reached Wood, and the Rebels would have been defeated at Chickamauga; or the order before spoken of had been sent to Crittenden, he would have withheld it or superintended its execution. The result of the misrepresentations and the clamor which followed the battle of Chickamauga led the war department to perpetrate acts of the most signal injustice to officers and men.

Rosecrans was relieved from the command of the army, and the 20th and 21st Corps were broken up, and McCook and Crittenden ordered before a court of inquiry. My division was attached to the 4th Corps, the command of which was given to General Gordon Granger. I disliked Granger, and submitted to that part of the arrangement only as a matter of duty, and I felt indignant that the 21st Corps, to which my division belonged, should be broken up in the face of the enemy.

Military men are often accused of egotism, and perhaps there may be some grounds for the accusation, but at the same time no man can successfully command soldiers who does not maintain his full claim to respect. The spirit which prompts men to be jealous of the honor of the organization to which they are attached is one to be cultivated, within reasonable limits, and nothing more dishonors a commander in the estimation of his officers and soldiers than a belief that he is insensible to his own honor or theirs.

I felt constrained by these considerations to emphasize my sense of the injustice of the order which relieved Crittenden, and blotted the 21st Corps out of existence, by tendering my resignation, which I did in the following letter, addressed to the adjutant-general:

"HEADQUARTERS 2D DIVISION 21ST ARMY CORPS,

"CHATTANOOGA, TENN., *October 8, 1863.*

"SIR—I respectfully tender the resignation of my commission as major-general of volunteers in the army of the

United States. I am not indebted to the United States ; I have no public property in my possession ; there are no charges against me. I was last paid up to and including June 30, 1863, by Major N. M. Knapp, paymaster.

“I tender my resignation because the late order of the war department, which abolishes the 21st Army Corps, and orders its late commander, Major-General Crittenden, before a court of inquiry, implies, and will be understood by the country as implying, the severest censure upon the conduct of the officers and men lately composing the corps.

“The order is, in its circumstances, without example in the military history of the country. No corps, before this, has been deprived of its commander, and stricken out of existence within a few days after a great battle, in the midst of important military operations, and in the face of the enemy. By this sudden, decisive, sweeping order, the government has given to the misrepresentations of the fugitives from the battlefield the weight of its own apparent indorsement, slander is dignified into history, and henceforth refutation is impossible.

“I did not enter the service of the country for this reward, nor can I by remaining in the army give effect and force to the imputation which the order implies upon the memory of the dead, and the character of my comrades who survived the battle of Chickamauga.

“I respectfully urge that my resignation be at once accepted. I would not willingly separate myself from the Army of the Cumberland until it is again ready to assume the offensive, but I hope to receive notice of the acceptance of my resignation speedily, and that it will by that time be ready to move forward.

“Respectfully,

“JOHN M. PALMER, *Maj.-Gen. Vols.*

“To the Adj.-Gen., U. S. A.”

There is no doubt but that the reports upon which the war department made the order, were the work of the

men who left the battlefield early in the afternoon of the 20th. When they left the field, the left, which I have already said was composed of the division of Baird, of the 14th Corps; Johnson, of the 20th; Palmer, of the 21st, and Reynolds, of the 14th, with detached support from other divisions covering the extreme left, had been successful in repelling every assault upon their position, so that I was able to detach Hazen's brigade to assist in resisting the Rebel torrent which had penetrated the center and threatened to carry everything before it. It is true, Crittenden had gone with Rosecrans into Chattanooga, but as I have already stated, he had no command during the day, but that fact was known, or ought to have been known. It is due to General Rosecrans to say that he was no party to the injustice which I resented, and he, in his indorsement on my letter of resignation, attempted to secure for us justice. He informed me that he had forwarded my resignation to the adjutant-general.

I copy his indorsement in full, as it carries with it the refutation of one of the calumnies that is even now sometimes reproduced by careless historians :

“HEADQUARTERS OF DEP'T OF THE CUMBERLAND,
“CHATTANOOGA, *October 9, 1863.*

“Respectfully forwarded, wholly disapproving the acceptance of the resignation of this prudent, brave and valuable officer, which would be a serious injury to the service. I also disagree with him in his opinion that the consolidation of the corps implies a censure on the officers and men composing it. I doubt not the war department will as promptly vindicate these officers and men, as I most certainly shall in my report of their magnificent fighting in the battle of Chickamauga.

“W. S. ROSECRANS, *Major-General.*”

Notwithstanding this indorsement by General Rose-

crans, I was notified of the acceptance of my resignation, and I prepared to quit the army. I have before me the original letter which I addressed to the adjutant-general. Its history is curious. In 1875, it was sent to General Grant, then president of the United States, by the secretary of war, Mr. Belknap.

It was handed to me by the secretary of President Cleveland, Major Pruden, with the accompanying papers.

It was forwarded to the secretary of war with the indorsement made by General Rosecrans, which I have copied. General Halleck indorsed upon the letter :

“Acceptance of this resignation is recommended.

“H. W. HALLECK, *General in Chief.*”

“*October 26, 1863.*”

Mr. Stanton indorsed : “Accepted, E. M. STANTON.”

“Accepted, to take effect December 1st.”

The indorsement of Mr. Stanton was erased upon the original letter. On October 28, 1863, I was notified of my assignment to the 14th Army Corps, and after a short leave of absence, I assumed the command of that corps. It seems, however, that as late as December 13, 1863, the acceptance of my resignation was still an open question. I give a note of that date, addressed by the secretary of war to the president, and of his pencil memorandum by way of reply in *fac-simile*:

“WAR DEPARTMENT,

“WASHINGTON CITY, *December 12, 1863.*

MR. PRESIDENT—Will you please to inform me whether General Palmer’s resignation was accepted by your direction?

“Yours truly, EDWIN M. STANTON.”

Gen. Palmer's
resignation was
not accepted by
me - You remember
I promised to write
him on the subject
which however I
have neglected to do
I do not want him
to resign, unless there
be some person not
yet known to me

A. Lincoln

Dec. 12. 1865

It was said, with what truth I do not know, however, but I have heard that it was thought at Washington that my complaint that the order was made upon "misrepresentations made by fugitives from the battlefield," was intended to reflect upon certain official gentlemen, not directly connected with the army, but who happened to be present when the battle commenced, but left the field before its conclusion.

The events have long since become a part of the history of the times, and while I confess the justice of the conjecture as to my meaning, I will not mention the names of the men to whom I referred.

About the opening of the campaign directed against Chattanooga, the Army of the Cumberland had a visitation of officials from Washington. The Army of the Potomac had suffered from the time of its organization from the interference of civilians, but the Army of the Cumberland had heretofore escaped the infliction, and I was satisfied that we had suffered from the misrepresentations of these officious meddlers.

The politicians during the war were much more interested in making presidents and the management of the politics of the country than they were in the success of our armies; and as the reverse at Chattanooga put an end to the usefulness of Rosecrans as a prospective presidential candidate, they were no longer interested in the future of the Army of the Cumberland.

They then turned their attention to some other direction, or concluded that the prospect of finding a military rival for Mr. Lincoln was hopeless. After being notified that my resignation was accepted, I left Chattanooga, on the 14th day of October, by a steamboat which was plied between that place and Bridgeport, where I expected to take the railroad for Nashville. I was greatly surprised, on my arrival at Bridgeport, to be overtaken by a courier, with an order from the adjutant-general setting aside the acceptance of my resignation, with directions to resume my command at Chattanooga.

In pursuing this narrative of the changes in the command of the army, I have neglected to notice the operations against the enemy.

I have already stated, that on the 22d day of September the enemy occupied Lookout Mountain, Missionary Ridge and the valley south and west of Chattanooga. They also pushed their skirmishers as near to our lines as was safe, and then, being in possession of the surrounding elevation, they put all their artillery in position and attempted to shell us out of Chattanooga. My own position faced Missionary Ridge, east of the town, and, fancying that the greater elevation of the Rebel

batteries gave them greatly the advantage of us, I took my position on the earthwork to my front, prepared for the worst. Our whole army, on the occasion, watched the operations of the enemy with a lively interest. It was reported that some of the men, and, indeed, some officers, dug holes in the ground to find the means of protection against the dreaded fire of the Rebel artillery. We waited with great interest to witness the terrible effects of the Rebel fire, but, as we waited and watched, and saw that no harm was being done, the interest flagged, and men went about their usual duties, and afterwards paid no attention to the artillery. I confess I was surprised that the fire did so little mischief.

A few days after this occurred, I met with an accident that very nearly terminated my military career.

It was one of the foggy mornings not uncommon in the Tennessee valley when I heard very sharp firing along my front, as if my line of pickets was engaged, and, when I reached the outer line of earthworks, I met them coming in, pursued by a superior Rebel force. I at once ordered a regiment to support my pickets ; and, with that reenforcement, we drove the Rebels back upon their own supporting force. I took part in this affair personally, and, after we had repulsed them, I came back over my own outer works, and saw that Colonel Sedgewick's 2d Kentucky had constructed an inner work, the parapet of which was so high that I could only see the top of the hats of the men. Angry at seeing the height of the parapet, I sprang up into an embrasure, turned my body sharply to the right to speak to Colonel Sedgewick, who stood by, and at the moment I was struck by one of the elongated missiles we all knew so well, to the right of the spine, which passed over my spine and plowed its way through my hip.

I at first supposed that I had been struck with a stone or some other heavy substance, but, a moment after, I readily guessed, from the faces of those around me, that it was a "hit." It was the only occasion when I was benefited

by being angry. If I had stood square to the front, the missile would have passed through my body ; as I stood, it was only a flesh wound. I suffered but little from this unfortunate wound, beyond being laughed at by my acquaintances. It justified me, however, in asking for and obtaining a short leave of absence ; and, when I returned, I found General George H. Thomas in command of the Army of the Cumberland, and I succeeded him in command of the 14th Army Corps. I confess this promotion gratified me, and the more so, as I felt that I owed it in a great measure to the good opinion of General Thomas, under whose eyes I had fought at Chickamauga.

The corps was composed of three divisions, the first commanded by Brigadier-General Richard W. Johnson, the second by Brigadier-General Jefferson C. Davis, and the third by Brigadier-General Absalom Baird. Each of the divisions consisted of three brigades, with the usual proportion of artillery ; the whole amounting to about fourteen thousand men. The division commanders all belonged to the regular army. General Johnson and General Baird were graduates of the military academy at West Point, and General Davis was appointed from civil life for his services in the Mexican war. He was with Major Anderson at Fort Sumter. I think these officers were not pleased that a volunteer officer was appointed to the command of the corps, but we soon became excellent friends, and cooperated with the utmost good feeling. Johnson was a Kentuckian, and not over fond of the anti-slavery policy of the government. He was, however, a patriotic man and was for the Union. Davis was an Indiana copperhead, as I often told him, but he was a soldier. He loved his country and honored its flag. One day on the Atlanta campaign I said to him, "Davis, your friends are attacking your pickets." He answered, "My friends will find they have a d—d hard job before them." He was one of the bravest of the brave. .

Baird, who is now living, had belonged to the department of the adjutant-general before the war. He did not like my assignment to the corps, and I had much trouble with him ; so that one day I called upon General Thomas and asked him to relieve Baird, and give me a division commander "who will not criticise and quibble over my orders." Thomas said, "Well, general, wait until we have a battle, then if you want Baird relieved, I will do it." We entered upon the Atlanta campaign and fought several battles ; Thomas said to me one day, "How about relieving Baird?" I answered, "No, Baird is a fighter—he devils the Rebs more than he ever did me." General Baird is now retired, but I had no more gallant officer, and we became very warm friends. After my assignment to the 14th Army Corps I remained in Chattanooga devoting all my time to my duties. I may as well confess here, that when I resigned my commission in the army I was indignant at the manner in which Rosecrans was treated ; no braver man ever lived. I felt that Crittenden was badly treated ; my own division of his corps had fought at Chickamauga and repulsed the desperate charges of the enemy and held its ground. Wood was merely unfortunate ; he had attempted to obey an order which was dictated by ignorance of the situation. After the Rebel flood had passed through the place he had left open by his attempt to move to his left, he had done all that was possible to defend his position ; the order breaking up the 21st Corps was a cruel one. I therefore regarded the refusal of the war department to accept my resignation and the assignment to the command of the 14th Corps as a vindication of the conduct of the 21st Corps on the battlefield of Chickamauga.

About February 21, 1864, I was ordered by General Thomas to make a heavy reconnoissance upon Ringgold and Dalton, where General Joe Johnston's headquarters were. About that time, General Sherman was engaged in an enterprise against Meridian, Mississippi, and General Thomas supposed that as the Rebels held interior

lines and the railroad, Johnston would send some of his troops to reinforce the troops who were resisting Sherman's advance. On February 22d, I marched from Chattanooga, and in the morning reached Ringgold, Georgia, where my troops encamped for the night. On the 23d, we marched to Tunnel Hill and engaged the enemy with my skirmishers, and after driving them before us through the village of Tunnel Hill, I fell back to Ringgold.

That evening I signaled General Thomas that if he would order the troops at Cleveland to move down the railroad, I would look into Dalton.

I was notified on the 24th that Cruft's division and Long's cavalry would proceed down the road to my left, and would be in position on the morning of the 25th. On the morning of February 25th, I took Baird's division of about thirty-five hundred men and moved off to the left, across the mountain north of Buzzard Roost Gap, leaving Johnson and Davis to attack the gap.

After crossing the spur of the mountain, I reached a valley which I descended to the right until we struck the enemy in force. In the meantime, Cruft's infantry were upon my left and Long's cavalry upon the extreme left. We drove the enemy back until we became satisfied that Johnston's men in Dalton were aroused.

Johnston, who had detached Hardee's corps to assist the forces who were fighting Sherman, recalled it. Before the reconnoissance ended, we captured some of the men who had been sent to Mississippi.

In the meantime, General Thomas had come up, and as the object of the reconnoissance was accomplished, we fell back to Lee's house at a distance of about four miles and camped there that night. On the next day, we returned to Tunnel Hill in order to cover the withdrawal of Johnson's and Davis's divisions, which were still at Buzzard's Roost Gap, where they had had some lively work and suffered some loss. Joe Johnston, then in command of the Rebel forces in and around Dalton,

was deceived by our reconnoissance, and probably supposed that our demonstration was an advance of the whole army; at all events he behaved with his usual caution. I posted Baird's division north of Tunnel Hill, and at night withdrew the divisions of Johnson and Davis without difficulty. Here occurred one of those vexatious circumstances which it was impossible to foresee or prevent. It was intended to withdraw our troops after dark with the utmost silence and secrecy, but when they were moving off, I was astounded by the blaze of some of the wooden houses in Tunnel Hill, that lighted up the valley and surrounding hills and disclosed the whole movement. The burning of the houses at any time would have been an act of vandalism, but nothing then could have been more foolish. Johnston did not take advantage of the opportunity, so that nothing came of it, and our troops retired to their stations, where we remained until May 1, 1864, when the army commenced what is now known as the "Atlanta Campaign."

CHAPTER XVII.

Beginning of the Atlanta campaign—Johnston abandons Resaca—Movements of the 14th Army Corps—Assault on Kenesaw mountain—Enter Marietta—Battle of Peach Tree Creek—Correspondence—Relieved of command of the 14th Army Corps.

The Union forces which commenced the Atlanta campaign were the Army of the Cumberland, commanded by Major-General George H. Thomas, the Army of the Ohio, by Major-General John M. Schofield, and the Army of the Tennessee, which came up on the right of the Army of the Cumberland, which was under the command of Major-General James B. McPherson. The cavalry, except the escorts of the commanding officers, constituted a separate corps, and moved under the orders of the general-in-chief.

The artillery was attached to the different divisions, and remained so until the close of the war. General William T. Sherman commanded the whole army; I had command of the 14th Corps; General John A. Logan, the 15th; General Frank P. Blair commanded the 17th Corps, which joined the army about the twentieth of June, and the 20th Corps was commanded by General Joseph Hooker.

The Army of the Ohio was composed of a single corps, but I do not recollect its number. On May 5, 1864, the 14th Corps left Ringgold, Georgia, where it was concentrated and advanced to the heights which overlooked Tunnell Hill, and after a sharp skirmish drove the enemy into Buzzard Roost Gap. I recollect a remarkable circumstance which took place while we were on the heights. Lieutenant John E. Shaw, of my escort, saw the flash of a gun, and dropped; the solid shot struck a tree over him, but would have gone through him had he not seen the flash. We passed through

Tunnell Hill and skirmished with the enemy in front of the gap for a day or two, and then moved south to Snake Creek Gap, and pressing through it we moved due east by the compass until we struck the Rebel forces. Johnston, aware that his rear was threatened, evacuated Dalton, on the 11th, and fell back to Resaca upon the Costanaula river. We fought here a fierce and bloody battle, in which Johnston's division took a distinguished part; and when Johnston, the Rebel commander, abandoned Resaca and the line of the Costanaula we pursued in the direction of Calhoun and Kingston. Davis, of the 14th Corps, had orders to proceed to our right and take and occupy Rome, which he did, after driving out the Rebel forces who occupied the place before him.

Between Calhoun and Kingston, as I now remember it, we reached one of the most beautiful places which are found in that part of Georgia. The house was a frame building of large extent, surrounded with verandas. Some of the Rebel rear guard took possession of the house and fired upon us. I called upon Captain Dilger—the “Leather Breeches” of the Army of the Cumberland—and directed him to put a few shells into it; he did so, and soon the building was in flames. The men who rushed forward to sack the house brought out of it expensive books, bric-a-brac and choice wines which the owner had not removed to a place of safety; nothing gave me greater pain than the destruction of this beautiful home. After marching a short distance, we reached one of the streams in that part of Georgia over which had been a railroad bridge, which the Rebels destroyed, but still held its site with much tenacity. It required an hour or more to drive them away, but when I returned to the north side of the creek our bridge party had the timbers ready for a new bridge. I marched afterwards not more than two miles, and before my men had made their arrangements to go into camp, we heard the whistle of the engine, and twenty cars loaded with supplies were with us. I have been

told that Jefferson Davis, who no doubt calculated all the chances, said at a dinner party given in Washington before the war, that history afforded no example of the success of the invasion of a country situated as the Southern States then were; he spoke of the sparseness of the population of the Southern States; the scarcity of the supplies for an army, and of the ease with which all supplies could be destroyed; but he overlooked the railroads and their enormous capacity for transportation. We guarded the railroad until the warehouses at Chattanooga were filled, and then only took care of those in the rear of the enemy.

After the fall of Atlanta, the shell of the rebellion was broken, and then Sherman's army was able to live upon the country in its "march to the sea." The 14th Army Corps, which was the center of the army, moved along the railroads. It took part in the battle of Resaca, and was ready for service at Kingston, Georgia. It moved to the left of Kingston, and was ready for battle when the enemy made some demonstration.

After remaining in camp near Kingston for a day or two the corps crossed the river and passed Statesville, and took part in the movement to the left of the enemy's position. The corps appeared in front of Pine Mountain, where General Polk was killed by the gun of one of our batteries, and then moved to the left. It fought the battle of Picket's Mill, after it had crossed the Etowah river, and afterwards advanced until it fronted Kenesaw mountain. This mountain covers the approaches to the town of Marietta, and delayed the army for several days.

On the day after our arrival in front of this strong position, General Sherman ordered the 14th and 15th Corps to carry it by assault. The western front of this mountain was so steep that men could hardly ascend it with their accouterments. I ordered the assault, which was conducted by able, fighting officers, but soon

discovered that it was impregnable, and I ordered my men to "lie down."

I then rode to where General Logan was, and told him that the mountain could not be carried. He said that his "corps could go further than any live men." General Sherman told me the next day that the "Army of Tennessee had gone more than a hundred yards further than my men had gone." I answered him by saying that I had "a hundred men more than I would have had if I had gone as far as Logan did ; that we had all failed, and that I had no man who was not as good as he was, except that his pay was less." There is no doubt, however, that General Sherman thought General Thomas was partial to the 14th Corps, which he had so long commanded.

The morning before the assault on Kenesaw (the troops included Harker's brigade, of the 4th Corps, and McCook's, of the 14th), I had, in company with "Johnny" White, an orderly who usually attended me, reconnoitered the Rebel position, until I had attracted their fire, and reported to General Sherman that this whole army could not carry the position of the Rebels. He repeated, that Joe Johnston must not consider any part of his line safe, and ordered the assault.

I rode with the assaulting column until I met Colonel McCook and Colonel Harmon, the first desperately wounded, and the latter dead, with a bullet through his heart, and I knew then, as I had told General Sherman before, that the assault upon Kenesaw Mountain would not be successful.

On June 27, 1864, Colonel Dilworth had succeeded to the command of the brigade, upon the death of Colonel Harmon, and had effected lodgment not more than sixty feet from the Rebel works, and on July 2d, the Rebels abandoned their works, as described by General Sherman, who, in giving an account of the attack on Kenesaw, says :

"An army, to be efficient, must not settle down to a

simple mode of offense, but must be prepared to execute any plan that promises success. I wanted, therefore, for the moral effect, to make a successful assault against the enemy, behind his breastworks, and resolved to attempt it at that point where success would give the largest fruits of victory. The general point selected was the left center, because if I could thrust a strong head of column through that point, by pushing it boldly and rapidly two and one-half miles, it would reach the railroad below Marietta, cut off the enemy's line and center from its line of retreat, and then, by turning on either part of it, could be overwhelmed and destroyed. Therefore, on June 24th, I ordered that an assault should be made at two points south of Kenesaw, on the 27th, giving three days' notice for preparation and reconnoissance, one to be made near Little Kenesaw, by General McPherson's troops, and the other about a mile further south by General Thomas's troops. The hour was fixed, and all the details given in 'Field Orders No. 28, of June 24th.' On June 27th, the two assaults were made at the time and in the manner prescribed, and both failed, costing us many valuable lives, among them those of General Harker and General McCook; Colonel Rice and others badly wounded.

"Our aggregate loss was about three thousand, while we inflicted comparatively little loss to the enemy, who lay behind his well-formed breastworks. Failure as it was, and for which I assumed the entire responsibility, I yet claim it produced good fruits, as it demonstrated to General Johnston that I would assault, and that boldly. It would not do to rest long under the influence of mistake or failure, and, accordingly, General Schofield was working strongly on the enemy's left. . . . General McPherson commenced his movements on the night of July 2d, and the effect was instantaneous. The next morning Kenesaw was abandoned, and I saw our skirmishers appear on the mountain top. General Thomas's whole line was there, moved forward to the railroad and

turned south in pursuit of the enemy towards the Chattahoochee."

On our advance to Marietta, finding the streets blocked by Hooker's corps, I determined to proceed to the right and find a road to the ferry on the Chattahoochee river. I went and found a road, with the corps, but, with a single orderly, I proceeded for a quarter of a mile or more from the road that led north and south, and met two Rebel soldiers with muskets in their hands. We drew our pistols and rode at full speed toward them, and ordered them to "throw down their guns." They did so, and I ordered White to "break their muskets and to send them to the rear."

They were probably deserters, and had no particular objection to the rations of the Yankees. With the corps I proceeded on the road I had discovered to Smyrna station, where we met the enemy again, and succeeded in driving them across the Chattahoochee river.

On July 18, 1864, I learned by an Atlanta newspaper that General Joseph E. Johnston had been relieved of the command of the Rebel armies of the West by General John B. Hood. I had crossed Dilworth's brigade over Peach Tree Creek, which enters the Chattahoochee at no great distance below our position, and had found some difficulty in supporting him. I had collected batteries on the north side of the creek to cover Dilworth's crossing, but soon discovered that the shells fired by the batteries were altogether insufficient protection for his men. My troops were attacked soon after crossing Peach Tree Creek, and I found at least one-fourth of my shells either short of the Rebel lines or among our own troops. I spoke to Captain Barnet, who commanded one of our batteries, and he said it was "contract ammunition." Many of the shells burst at the mouth of the piece, and others exploded within thirty yards. I "damned" the contractor who had furnished the shells; but Dilworth effected a lodgment on the south side of the creek, and proceeded to fortify his position. After Dilworth had

crossed, I rode back and met Colonel McKay, quartermaster of the corps, and, after he had inquired the news, I told him that Joe Johnston had been relieved on that day by Hood. He answered: "General, you'll have to fight; I was acquainted with Hood at San Antonio, and I saw him bet two thousand dollars without a pair in his hand!" R. W. Johnson, in his "Reminiscences," says it was "one thousand" that McKay told me. At all events, I became satisfied that Hood was a desperate, adventurous man, and in the command of the army he would fight.

It was near sundown when I met McKay, and I ordered the troops to cross the creek, build bridges for the artillery, and fortify themselves. I do not say that McKay's suggestions inspired me with the conviction that Hood was a reckless man, but I concluded that the Rebel forces would be turned loose on my single brigade.

An amusing circumstance occurred during the night. It was not far from midnight, when a company was engaged in fatigue duty, building an artillery bridge across Peach Tree Creek, that I came along with but one orderly, and heard the men who were at work discussing me. "There he is," said one, "asleep on his cot; you can hear him snore for a quarter of a mile." After some other conversation, equally complimentary, one of them said: "Old Abe will have to make another general after the next battle." Recollecting that listeners never heard anything good of themselves, I thought the time had come to speak, and said: "Hurrah, boys, you'll need these guns over the creek before noon to-morrow!" The next day the same company shouted for me as I rode along the lines. I told them they did not know all that I did.

A few days before we crossed the Chattahoochee, and while skirmishing actively, I had seen men of this regiment as observant of the reports of the "firing line," to use a modern expression, as any of the officers could be.

They were engaged in the ordinary morning avocations, their guns stacked as usual, but it was manifest that they were keenly alive to the situation. They would approach the stacks, stand a moment, notice the volume of the reports, and go back satisfied that our pickets were holding their own, and that their assistance was not necessary. I made up my mind that most of them were fitted to command regiments.

The next day followed the battle of Peach Tree Creek. I heard on my right a noisy demonstration, which I knew was nothing more than a demonstration, and I rode at full speed to my left, and found that Hood had attacked that point, broken the lines of our forces and was repulsed by King's brigade which covered Johnson's extreme left wing, which was in the air. The enemy were repulsed by Baird's division and Dilger's battery, which enfiladed the Rebel attack. I lost but few men.

On July 21st, we steadily pressed forward along our whole line, developing the enemy in his intrenchments, extending from a point about a mile south of the Atlanta Railroad around the north side of the city to the Chattanooga Railroad. We continued our operations before Atlanta until August 4th, when I received an order from General Thomas to support General Schofield's corps (23d), and made one movement to the west of Atlanta, where General Baird captured the rifle-pits of the enemy and a good many prisoners.

On August 4, 1864, I addressed the following note to General Thomas :

"I have no orders to-day from any quarter. The orders of the day imply cooperation with General Schofield. General Schofield has shown me a copy.

"JOHN M. PALMER, *Major-General.*"

On the same day, I addressed another note to General Thomas :

“MAJOR-GENERAL GEORGE H. THOMAS, *Army of the Cumberland*—The orders seem to be intended to give General Schofield control over my troops. Shall I turn them over to him.

“JOHN M. PALMER, *Major-General.*”

On the same day, I received the following :

“HEADQUARTERS MILITARY DIV. OF THE MISS.,

“IN THE FIELD NEAR ATLANTA, GA., *Aug. 4, 1864.*

“GENERAL PALMER—I was under the impression that General Schofield ranked you. I had not thought of the relative rank. Cooperate heartily and the same result will be obtained. I will see you this afternoon. I assure you that I have no disposition to qualify your true rank. (Signed,) W. T. SHERMAN,

“*Major-General Commanding.*”

After this letter, the following correspondence took place :

“HEADQUARTERS 14TH ARMY CORPS,

“*August 4, 1864.*

“MAJOR-GENERAL SHERMAN—I am General Schofield’s senior. We may cooperate, but I respectfully decline to report to or take orders from him.

“Respectfully,

“JOHN M. PALMER, *Major-General.*”

“HEADQUARTERS ARMY OF OHIO,

“BEFORE ATLANTA, GA., *Aug. 4, 3 P. M., 1864.*

“MAJ.-GEN. JOHN M. PALMER, *Commanding 14th A. C. :*

“GENERAL—I have just received your communication of 11 A. M. to-day, and beg leave to correct your impression that you are my senior, which you give as your reason for refusing to obey my orders, and that of General Sherman directing you to report to me. You are my junior for two reasons: First, because I have the senior commission; and second, because I am, by the president’s order, commander of a separate army. I

regret extremely that any misunderstanding exists on this subject.

“Very respectfully, your obedient servant,

“J. M. SCHOFIELD, *Major-General Commanding.*”

“HEADQUARTERS MILITARY DIV. OF THE MISS.,
“IN FIELD NEAR ATLANTA, GA., *Aug. 4, 1864, 10:45 P. M.*

“GENERAL PALMER—From the statements made by yourself and General Schofield to-day, my decision is, that he ranks you as major-general, being of same date of commission by previous rank as brigadier-general. The movements for to-morrow are so important that the orders of the superior on that flank must be regarded as military orders, and not in the nature of cooperation. I did hope that there was no necessity of making the decision, but it is better for all parties interested that no question of rank should occur during active battle. The Sandtown road and railroad if possible must be gained to-morrow if it costs half your command. I regard the loss of time this afternoon as equal to the loss of two thousand men. (Signed,) W. T. SHERMAN,

“*Major-General Commanding.*”

“HEADQUARTERS 14TH A. C., DPT. OF THE CUMBERLAND,
“IN THE FIELD, *Aug. 4, 1864, 11:55 P. M.*

MAJOR-GENERAL W. T. SHERMAN—Dispatch of 10:45 of this P. M. this moment received. I am unable to acquiesce in the correctness of the decision that Major-General Schofield legally ranks me. I do not argue the question but repeat the facts. General Schofield was appointed brigadier-general on the 21st of November, 1861, and I was appointed to the same on the 20th December of the same year.

“At the session of congress, 1862-3, General Schofield and myself were promoted to the rank of major-general of volunteers; my appointment was confirmed by the senate and his expired by constitutional limitation, not having been confirmed by the senate; his name there-

fore does not appear in the list of major-generals in the Army Register of April 1, 1863. He was reappointed by the president and confirmed since the commencement of the present campaign. His commission must be a year in date junior to my own, though he is said to take rank from the 29th November, 1862.

“The question of rank has arisen by accident, and I agree with you that it is better for the interest of all parties that it should be decided, but I cannot acquiesce in the correctness of the decision made. I respectfully ask, therefore, that some officer be designated to whom I may turn over the command of the 14th Army Corps.

“I think I need not assure you that I am not influenced by any desire to command him, nor that if I deem it consistent with my self respect to waive the question or my views of our relative rank, I would obey his orders as cheerfully as I would those of any gentleman connected with the army.

“I am very respectfully,

“JOHN M. PALMER, *Major-General.*”

“HEADQUARTERS ARMY OF THE OHIO,

“BEFORE ATLANTA, GA., *Aug. 4, 1864.*

BRIG.-GEN. R. W. JOHNSON, *Commanding 14th A. C.*

GENERAL—Major-General Schofield directs me to forward you the inclosed S. F. O. No. 71 c. s. from these headquarters, for to-morrow's movements of the 14th and 23d Army Corps. The order is sent to you as the senior and commanding general of the 14th Army Corps, as Major-General Palmer still adheres to the views he expressed yesterday.

“In order to prevent any delay Generals Baird and Morgan have been furnished with copies of the inclosed orders direct from these headquarters.

“Very respectfully, your obedient servant,

“J. A. CAMPBELL, *Major and A. A. G.*”

“HEADQUARTERS ARMY OF THE OHIO,

“9:20 P. M., *August 4, 1864.*

“MAJOR-GENERAL SHERMAN—I have your dispatch directing me to order certain movements by General Palmer’s corps. I did not understand that the question of rank raised by General Palmer was settled. In his reply to my orders for to-day’s movements and your order to report to me, he said, “I will not obey either General Sherman’s or your’s.” The reason being his assumed seniority. In subsequent conversation he still maintained the same ground, and I did not understand him to yield or you to decide the question after you arrived, but to waive it with the remark that no such question could arise between such men, and that we could cooperate harmoniously. I feel confident that General Palmer understands the question as having been so waived. Please inform me if you gave General Palmer distinctly to understand that he is to obey my orders. Please have it understood before I send him orders for to-morrow. It is a very delicate and unpleasant matter for me to correspond with him about.

J. M. SCHOFIELD, *Major-General.*”

“HEADQUARTERS MIL. DIV. OF THE MISS.,

“IN THE FIELD NEAR ATLANTA, GA., *Aug. 4, 1864.*

“GENERAL THOMAS—Nothing was done on the right. General Palmer’s troops seemed immovable, but I have ordered operations to be resumed in the morning and to be continued until we get possession of the Sandtown road. W. T. SHERMAN, *Major-General Commanding.*”

“HEADQUARTERS MIL. DIV. OF THE MISS.,

“IN THE FIELD NEAR ATLANTA, GA., *Aug. 4, 1864.*

GENERAL SCHOFIELD—That is very well as to your left. But I want to assume the offensive on the right, and wish you to order General Palmer to advance his left division till he reaches the Sandtown road, and its right supported by General Davis’s division. General

Johnson's division should reach the Sandtown road more to the right and close to the left on General Davis. The connection between you and General Howard is not important. Slash down the timber in the valley of Utoy, and a single battery with a regiment of skirmishers will hold a mile against the whole of Hood's army. I want all of your army and General Palmer's corps to turn the enemy's left, and the sooner it is done the better. I wish you to make written orders so that General Palmer and Baird cannot mistake them. Their delay this afternoon was unpardonable. If the enemy ever gets a column through our lines, we will let go our breastworks and turn on his flanks, and therefore I don't care about our line being continuous and uniform. If they sally it will be quick and by some defined road. W. T. SHERMAN, *Major-General Commanding.*"

"HEADQUARTERS DEP'T OF THE CUMBERLAND,

August 4, 1864.

"MAJOR-GENERAL SHERMAN—I am surprised to receive such a report of the 14th Corps, for it has always been prompt in executing any work given to it heretofore. If General Palmer is an obstacle to its efficiency I would let him go. GEO. H. THOMAS, *Major-General.*"

"HEADQUARTERS ARMY OF THE OHIO,

"NEAR ATLANTA, GA., Aug. 5, 7:25 A. M., 1864.

"MAJ.-GEN. W. T. SHERMAN, *Com'd'g Mil. Div. of the Miss.*

GENERAL—General Palmer has this moment informed me of your refusal to relieve him, and his final decision to go on the field and carry out my orders. He is now starting. I have been trying nearly all night to get things in working shape, but with very little progress. I hope now to get started. Johnson reached the Sandtown road last night and Morgan's skirmishers are on it this morning. He reports a strong resistance. I will do all in my power to press the attack.

Davis is not here, and if he were Johnson is his senior. Very respectfully, your obedient servant,

J. M. SCHOFIELD, *Major-General Commanding.*”

“HEADQUARTERS OF THE OHIO,
“FIELD, 11 A. M., *August 5, 1864.*

“MAJOR-GENERAL SHERMAN—Palmer is developing his troops along the enemy’s line, which is found to be very strong. As soon as Palmer gets two divisions in position, Johnson will make a rapid detour to the right and try to strike the enemy in the flank or a point of his line which is not held in force. Cox will take Johnson’s place as reserve on the right, and if Johnson fails, Cox will assault immediately. This movement is to be made at two o’clock. I think we are progressing pretty well, though slowly, and have captured about two hundred prisoners. General Howard asks me to inform you that his signal officer reports that a large column of cavalry is passing into Atlanta from the enemy’s left, probably one brigade.

“J. M. SCHOFIELD, *Major-General.*”

“HEADQUARTERS ARMY OF THE OHIO,
“IN THE FIELD, GEORGIA, *August 5, 1864.*

“MAJOR-GENERAL J. M. PALMER, *Com’g 14th A. C.*—Please permit me to assure you that I have not had the slightest apprehension as to your sincere intention to carry out General Sherman’s orders. My request was based upon the information that General Baird had not been notified of the arrangement for the day, and my apprehension that you might not think to notify him. I simply desire to avoid misapprehension and consequent mistakes.

“Very respectfully, your obedient servant,

“J. M. SCHOFIELD, *Major-General Commanding.*”

“HEADQUARTERS MIL. DIV. OF THE MISS.,
“IN THE FIELD NEAR ATLANTA, GA., *Aug. 5th.*

“GENERAL THOMAS—Colonel Warner, one of my inspector-generals, who was on the right all day, reports nothing done or would be done.

“Will General Johnson be any better than General Palmer? I would prefer to move a rock than to move that corps. On the defensive, it would be splendid; but for offensive, it is of no use. It must have a head that will give it life and impulse. I was ashamed yesterday and kept away on purpose to-day to see if orders would not move it, but if an enemy can be seen by a spy-glass, the whole corps is halted and intrenched for a siege. Unless it will attack, I must relieve it in orders and state the reason. I will call for official reports and act to-night. Is General Johnson capable of handling the corps until we can have General Davis commissioned and ordered to the command.

“(Signed,) W. T. SHERMAN, *Maj.-Gen. Comd'g.*”

“HEADQUARTERS DEPT. OF THE CUMBERLAND,
“*August 5, 1864.*

“MAJOR-GENERAL SHERMAN—I am surprised to receive such a report of the 14th Corps, for it has always been prompt in executing the work given to it heretofore. If General Palmer is an obstacle to its efficiency, I would let him go. I had the 4th and 20th Corps demonstrate strongly on the enemy's line from 12 m. until night. They found the intrenchments heavily manned. I will have the skirmishers feel forward again to-night to see if the enemy have left. The 4th and 20th Corps now occupy the whole line held by the 23d, 4th, 20th and 14th Corps before the movement on the right commenced, consequently they are in a single line, and it will be impossible to form an assaulting column. I send Whipple to the right to-day. He has just returned, and informs me that all that was done to-day on the right was done by Baird's division, which ad-

vanced in obedience to Schofield's orders, but, not being supported either on the right or left, General Baird fell back to his former position after having driven the enemy from two lines of rifle-pits and capturing one hundred and sixty prisoners, losing about one hundred men himself.

“GEO. H. THOMAS, *Major-Gen. U. S. V. Comd'g.*”

“HEADQUARTERS MILITARY DIV. OF THE MISS.,

“IN THE FIELD NEAR ATLANTA, GA., *Aug. 5, 1864.*

“GENERAL THOMAS—General Schofield telegraphs: I am compelled to acknowledge that I have totally failed to make any aggressive movement with the 14th Corps. The efforts yesterday and to-day on this flank have been worse than mere failures. I have ordered General Johnson to relieve General Haskell this evening, and propose to take my own troops to the right and try and recover what has been lost by two days' delay. The force may very likely be too small. From what I saw myself there was a manifest determination not to move towards the enemy. General Davis's division is a mile further west than when it started. I see no help for it but to lose the services of the corps and let General Schofield feel for the enemy eastward, whilst the 14th entrenches against a squad of cavalry that may be on the flank. Colonel Warner of my staff rode out half a mile in front of the extreme front and saw no sign of an enemy. I will have General Palmer report in the morning, and if he wishes to go—it is best he should.

“(Signed,) W. T. SHERMAN, *Major-General Com'dg.*”

“HEADQUARTERS 14TH A. C., DPT. OF THE CUMBERLAND,

“IN THE FIELD, *Aug. 5, 1864.*

“GENERAL—I am very greatly obliged to you for your expressions of kindness, but regret exceedingly that you decline to accede to my request to be relieved. I have joined General Schofield with a larger force than his own. I have seen much more service in the face of the

enemy; I hold a commission much older in fact, whatever may be the form, and this question of rank, raised not by me, is so decided that I lose all practical control over my corps, that too at a time of great probable difficulty. As you have declined to relieve me, I go of course to the field, and will do what I can to give success to the operations of the day, but I urge that you will reconsider your refusal to relieve me, and permit me at the close of the day to turn this command over to Brigadier-General Johnson, who is the senior brigadier-general in the corps. I am, very respectfully,

“JOHN M. PALMER, *Major-General Commanding*.

“MAJOR-GENERAL W. T. SHERMAN, *Comd'g., etc.*

“HEADQUARTERS MILITARY DIV. OF THE MISS.

“IN THE FIELD NEAR ATLANTA, GA., *Aug. 5, 1864.*

“GENERAL PALMER—I would like to have you come and see me as early in the morning as convenient. If you think of resigning, it is probably better it should be now, as I fear your intention lessens your interest in our operations. Should you agree with me in this, turn over the command to General Johnson, and then you can assign as a reason anything you prefer. I would suggest that you put it on the ground of a prior resolve as soon as the campaign was over, and it having settled down into a *quasi siege*, you request now to be relieved and to be permitted to go to Illinois, or if you prefer it, the reason that you considered your rank superior to General Schofield's.

“To be honest, I must say that the operations on that flank yesterday and to-day have not been satisfactory, yet I will not say there has been want of energy or skill, but events have not kept pace with my desires.

“(Signed,) W. T. SHERMAN, *Major-General Comd'g.*”

“HEADQUARTERS OF THE 14TH ARMY CORPS,
“DEPARTMENT OF THE CUMBERLAND, 10 : 05 P. M.,
“BEFORE ATLANTA, GA., *August 5, 1864.*

“GEN. W. T. SHERMAN, *Major-General Commanding*—
I confess my surprise at the contents of your telegraphic note this moment received.

“Waiving any statement of what were my purposes and intentions in respect to quitting the service, I will frankly say that, if I were in your place at the head of an army, I would require of my subordinates the faithful and energetic performance of their respective duties, and, if my plans failed of execution, I would ascertain the cause and punish the delinquent rigorously, as no man is to be regarded when contrasted with the great cause of the country.

“I am not surprised that you are dissatisfied with the operations of the army on this flank on yesterday and to-day, for I am also dissatisfied, and think much more ought to have been done, and readily confess myself in some measures responsible.

“Still, I do earnestly protest against your inference of want of interest in our operations. On yesterday you were present, and I will not speak of what I said or did. To-day I exerted myself more, I think, than any officer on the field, to carry out General Schofield's orders, until the afternoon, near night, I found, aside from Baird's handsome operations in the forenoon, nothing would be accomplished.

“I am to blame, however, in this, that I have not done as you obviously intend doing in my case—held some one responsible for the failures. I think I could select the proper objects of responsibility more accurately than you have done in selecting me. I am so well convinced that this campaign has been lengthened out by the negligence and inattention of officers, and will be hereafter lengthened and drawn out from the same cause, and I accept your intimation to me, not as offensive (though, I think unjust), but as a sign of a purpose on your part

in future to inquire into the causes of our almost daily failures to meet your avowed expectations, and, when the cause is discovered, to apply the correction.

"If you will do this fairly, without favor or affection, I will venture my life that you will be astonished at the result.

"I will accept your offer to relieve me, not upon the ground that your suspicion of a want of interest is well founded, nor that I am in any way, other than the manner already admitted, responsible to the country for this campaign; every subordinate officer employed ought, upon the first intimation from you of a want of confidence, step out of the way promptly, and feel that he is serving the country in doing so.

"Pardon this long letter. I will call upon you tomorrow morning, and present a formal application to be relieved. Respectfully,

"JOHN M. PALMER, *Major-General.*"

"HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,

"NEAR ATLANTA, GA., *August 6, 1864.*

"SPECIAL FIELD ORDERS, No. 215 (Extract). . . .

"III. At his own request, Major-General J. M. Palmer is relieved from the command of the 14th Army Corps, on duty in the department of the Cumberland, and will proceed to Carlinville, Illinois, whence he will report by letter to the adjutant-general U. S. A., at Washington, D. C.

"The officers composing the general's personal staff are also relieved from duty, that they may accompany him.

"The quartermaster's department will furnish the necessary transportation for the general, his staff and the authorized number of servants and horses. . . .

"By command of Major-General Thomas.

"WM. D. WHIPPLE, *A. A. G.*"

I had waived all question of rank with General Scho-

field, and submitted to his order. General Sherman had said that cooperation was all that was necessary, and I knew enough to know that a supporting force must necessarily move under the orders of the force to be supported. I had disclaimed all desire to command General Schofield's troops. We had by the aid of the 14th Army Corps accomplished all that was expected of us, and when the dispatch of 10:45 was received, I replied that "I do not argue the question, but repeat the facts: General Schofield was appointed brigadier-general on November 21, 1861, and I was appointed to the same on December 20th of the same year. At the session of congress, 1862-3, General Schofield and myself were promoted to the rank of major-general of volunteers. My appointment was confirmed by the senate, and his expired by constitutional limitation, not having been confirmed by the senate. He was reappointed by the president, and confirmed since the present campaign. . . . The question of rank has arisen by accident, and I agree with you that it is better for all parties that it should be decided." I had been a major-general of volunteers ever since November 29, 1863, and even though General Schofield was confirmed at a later date, he could not take rank over those who were confirmed by the senate. It was the idea of the regular army men that they ranked all volunteer officers.

General W. D. Whipple says that I "kept my men at work."

After General Sherman wrote to me that I could not "disregard the friendly advice of two such men as General Thomas and myself," I wrote to General Sherman that, "pending active operations, I request that my application to be relieved be regarded as withdrawn," but when I received General Sherman's note suggesting excuses for my resignation, I wrote the letter of 10:45, August 5, 1864, which ended my connection with the Army of the Cumberland.

CHAPTER XVIII.

Remained in Illinois until February—Letter to Mr. Lincoln—His reply—Entered again upon the practice of law—Tried for bringing a negro slave into the state—Visited Washington for Governor Oglesby—Result of my mission--Assigned to the command of the Department of Kentucky—Conversation with Mr. Lincoln—Assumed command of the department--Address to the legislature of Kentucky—Correspondence—Orders.

When relieved from the command of the 14th Army Corps, I returned to my home in Carlinville, Illinois. I had been indicted by the grand jury of Macoupin county for "bringing a negro slave, Martin Taylor," into the State of Missouri. The indictment, which was found at the December term, 1862, after many continuances, had been stricken from the docket, "with leave to reinstate," and soon after my return, I determined that it should be tried, and gave notice to the state's attorney of the Eighteenth Judicial District that I was within reach of the process of the Macoupin Circuit Court, and would be so until the next term of said court, and requested that he would order the indictment and the cause to be reinstated, that it might be made ready for trial at the next term. I gave him further notice that should he fail to do so, I would appear on the first day of that term and move that said indictment be reinstated and set for trial. This notice was given to the state's attorney on September 12, 1864, and the indictment was reinstated and set for trial, December 17, 1864. It is curious now to notice the names of the jurors who were selected and sworn to try the case. They were: S. M. Brown, B. A. Holbrook, Wm. H. Van Arsdale, C. W. Wayne, Wm. H. Richardson, Elmore Johnson, Wm. R. Parkman, Milton Moore, H. C. Anderson, Wm. S. Bond, W. G. Rice, and Daniel Barnes. Most of them are dead, as is the foreman of the grand jury, Mr. Isham C.

Peebles, which "found" the bill. My brother lawyers all offered to aid me in my defense, but I told them that I would take liberties with the jury that no other lawyer could take, and I only asked the assistance of Samuel Pittman, Esq., who had been my partner before the war.

In the statement of the case, I told the jury that whether Martin Taylor was a slave or not, I did not know, but that he did; but, unfortunately, we had a statute that prohibited a negro from testifying against a white person. I told them that Martin Taylor was in town, was an honest man, and would tell the truth, and that such a law should be repealed. And I told the jury further, that I would submit a petition to them which was substantially as follows: "Whereas, we were impaneled as a jury to try the case of the People of the State of Illinois against John M. Palmer, charged with bringing into the state a negro slave, by name, Martin Taylor, and we were told that said Taylor is in the town of Carlinville, is an honest man and worthy of belief, but that he is a negro, and is not allowed under the law to testify against a white person; we therefore pray the general assembly to repeal the law which prohibits negroes from testifying against white persons." I proved in addition that I had come home from the army very sick, and that Taylor, with others, had brought me into the state. Five of the jury signed the petition, and the whole jury found me "not guilty." The judge, Hon. E. Y. Rice, who had studied law with me, instructed the jury that they must believe, beyond a reasonable doubt, not only that Martin Taylor was a slave, but that I had brought him into the state for the purpose of setting him free.

Having very little professional business, early in February, I visited Washington by the direction of Governor Oglesby. His object was to get our quota of men under the pending draft reduced. It seems to have been the plan of the war department to require each state to

furnish its proportion according to the population, for the military service, and Illinois had furnished eighteen thousand men more than its quota. General James B. Fry was provost marshal at that time, and had charge of the "draft." I called upon him in Washington and announced my mission to be from the governor of Illinois, and entered upon a discussion of the subject of my visit. With the figures furnished me by the governor and the adjutant-general of Illinois (General Isham N. Haynie), we made repeated calculations of the whole number of men furnished by all the states, of the number of each of the states, and of the number furnished by Illinois, and after I had demonstrated by all known methods of calculation that Illinois had sent more men to the field than it ought to be charged with, and I had lost my temper at General Fry's obstinate adherence to his own estimates, and he had become excited, too, he said, "The president has reviewed these figures and directed the call for the men upon Illinois." I said, "General Fry, if you had told me that an hour ago, it would have saved you and me from some wear and tear of temper. I will speak to the president about the matter."

He wished me success, and I immediately went to the "White House" and saw Mr. Lincoln, explained to him that my errand was from Governor Oglesby to get our quota corrected, when he stopped me by saying, "Palmer, I can get more men easily in Illinois than some other places. I directed the quota of Illinois myself, and I must have the men, and neither you nor 'Dick' can make a fuss about it!" I said no more, for I knew he meant what he said.

I then said to him, "Mr. Lincoln, I wrote you a letter last September, saying that 'I did not wish to be one of your unemployed generals,' and you answered me on a card, saying, 'When I want your resignation, I will tell you.' " He said, "I have a job for you now, the command of the department of Kentucky." I replied, "I

have commanded troops in the field during my military service, but I do'nt want to go to Kentucky and spend my time quarreling with the politicians."

He said, "Go to Stanton and get your orders, and come back here at nine o'clock to-morrow, and I'll tell you who are our friends and what makes a change in that command necessary."

When I returned in the morning, I saw several persons going in and out of his room, and became slightly impatient, but when the colored doorkeeper came and inquired for me, I entered the room and found him seated in an office chair engaged in being shaved. He said, "You are home-folks, and I must shave. I cannot do so before senators and representatives who call upon me ; but I thought I could do so before you."

We then commenced to talk of the affairs of Kentucky. I repeated what I had said the evening before about my reluctance to go to Kentucky and quarrel with the politicians, and he said, "Go to Kentucky, keep your temper, do as you please, and I will sustain you."

Then occurred an incident which affords a key to Mr. Lincoln's policy, and accounts for his successful conduct of the civil war.

I was silent while the barber was shaving him about the neck, but after he was through with that particular part of his duties, I said : "Mr. Lincoln, if I had known at Chicago that this great rebellion was to occur, I would not have consented to go to a one-horse town like Springfield, and take a one-horse lawyer, and make him president." He pushed the barber from him, turned the chair, and said in an excited manner : "Neither would I, Palmer. If we had had a great man for the presidency, one who had an inflexible policy and stuck to it, this rebellion would have succeeded, and the Southern Confederacy would have been established. All that I have done is, that I have striven to do my duty to-day, with the hope that when to-morrow comes, I will be ready for it!"

This was the last time I saw Mr. Lincoln. He was assassinated by John Wilkes Booth on April 14th following. I saw his remains on May 3, 1865, when with Governor Bramlette and others, I attended his funeral, which occurred May 4, 1865, and the nation has erected a monument to his memory which still stands at the cemetery of Oak Ridge, at Springfield, Illinois.

My orders, which created the Department of Kentucky, and assigned me to its command, were dated February 10th, but I did not assume the command of the department until the 18th day of the same month. On my arrival at Louisville, which was to be the headquarters of the department, I proceeded to Frankfort where the legislature was in session.

General Burbridge, who commanded the "District of Kentucky," was a native of the state, and extremely unpopular, as any native and resident of the state would have been who had attempted to enforce martial law at his home. He was charged with cruelty and favoritism. He had a military prison at Lexington, in which were confined deserters from the Federal army, guerrillas and many others whose offenses consisted of speaking in opposition to the government of the United States. Soon after the assumption of the command of the department, I visited the prison in Lexington. The adjutant of the post called the list of the prisoners, and read the charges against them. I was particularly struck with the charges against one of them, whose name I have unfortunately forgotten.

His age was stated to be sixty-eight years, and his occupation to be that of a farmer, and I ordered him to be produced. When he came before me I asked him his name and age, and if he knew what were the charges against him? He answered my questions as to his name and age, and said, in respect to the charges: "I am charged with cursing this d—d abolition government and your d—d abolition president." I said to him: "Do you find you have hurt them by cursing

them?" he answered with another oath. I said to him: "You can't stay here; you would spoil all the prisoners; get your baggage, and get a ticket for your home from the adjutant." He was discharged and Governor Robinson afterwards told me that he had met my late prisoner on the street, and he said that "Palmer was a Kentuckian, and a d—d clever fellow."

General Sherman had a prison for females at Louisville which cost me more trouble than any other matter in the department. "Dr. Mary Walker" had applied to me for an indorsement that she be placed on the staff of the regular army, with the rank of captain, and I had signed the indorsement, which was a recommendation. She presented this indorsement to Mr. Stanton, the secretary of war, and he indorsed on the application: "As General Palmer seems to be struck on Dr. Mary Walker, he is authorized to employ her as a contract surgeon." When she returned, I assigned her to be the "medical officer at the female prison." Soon after her assignment she reported to me that the female prisoners were allowing the officers and guards at the prison to take improper liberties with them. She made the report more than once, and finally said to me: "You are afraid of them," which I confessed to be true, but at the same time I determined to break up the prison and send the women to their homes. Soon after Dr. Walker made her last report I visited the prison and stated to the prisoners present that after my accession to the command of the department, I had assigned to them a medical officer of their own sex, and had done everything possible for their comfort. Some of them answered: "That thing—" referring to Dr. Walker—"and she is kin to him, look at his hair!" I then said: "Ladies, I will break up this prison; get your things and your tickets from the adjutant, and go home; I will no longer be troubled with you;" and then most of them commenced crying, either for joy or vexation. At all events the female prison was broken up.

On February 18, 1865, I addressed the legislature and the citizens of Frankfort, at the capitol, the substance of which address is as follows :

“The reason I desire to address the members of the general assembly, and such of your citizens as have honored me with their presence, is, that I wish to express and make fully understood the object of my coming among you. My life has been spent in the civil walks of life. I entered the army with great reluctance. Warfare was contrary to my habits and education, and was repugnant to all my tastes. I only entered the military service in obedience to the convictions of duty, and because I believed that all the people of all the states were interested in the maintenance of the government. I did not enter the military service on account of any hatred towards our brethren of the far South, or of any peculiar love for the people of the North, but because I thought the interests of all, of South Carolina, Georgia, and the whole of the Southern States, as well as those of the Northern States, demanded that the destruction of the government should not be allowed.

“In the course of affairs, I have been sent, by those having authority over me, to the State of Kentucky. I come feeling sensibly the difficulties and delicacy of the position. In the field, the duties of the commander, though onerous, and dangerous, are comparatively simple—not so here. To the military duties are added those of a semi-civil character, rendering the position complex and most delicate. Your state is regarded by the government and myself as loyal, and her people entitled to the enjoyment of all private and public rights and immunities of a loyal people. These rights are threatened and obstructed by those who are the enemies, not so much of government, in the abstract, as of the general good order and quiet of the people—desperadoes and marauders whose object is spoliation and plunder. It is to protect you against these men that I am here,

and I hope and believe that I shall receive the hearty support of all your people in this work.

“I cannot fail to observe from your public journals, the proceedings of your legislature, and conversations with your citizens, that you are divided into parties, and that deep feeling and some degree of bitterness exists between the parties. This is not surprising. Under the circumstances as they exist, and the mighty issues which are involved, it would be most remarkable if it were not so. But whatever may be the differences as to collateral and incidental questions involved, there is one upon which there can be no difference—that of giving protection to your people.

“The people ought to have the right, and the Federal Government is pledged that they shall have the right, to speak without restraint, and act freely upon all subjects connected with the general welfare; and surely I, a lover of law and order, will most cheerfully secure every man in the enjoyment of all his personal rights. I know I speak the sentiments of the federal administration when I say that my views were known upon this subject when I was sent here, and it was to carry them into execution that I was sent. I hope you gentlemen of the legislature, coming as you do from all parts of the state, will aid me in carrying them out.

“I will not make any pledges; indeed, I should feel humiliated if I were to make any pledge as to what particular thing I will do or will not do. Suffice it to say, I come among you as a representative of the National Government, and I feel that almost all depends upon each and every one performing his own duties in his own sphere. Let the citizen, the soldier, the officer, civil or military, each attend to his own business, and all will work well.

“I feel confident that we shall have no difficulty, that the state and federal authorities will act in perfect harmony and concert in the discharge of the various duties before us. I thank you, most sincerely, for these mani-

festations of your kindness, and the honor you have done me." . . . ,

On February 24th, I reported to Mr. Stanton, the secretary of war, that I had assumed the command of the department on February 18, 1865, and that I had visited Frankfort and conferred with Governor Bramlette, and found him ready to cooperate with the military forces of the United States. I said, "It was easy to detect on the part of the governor a preference or desire to raise state forces, but he did not urge it, nor will he, as I think, persist in it if disagreeable to the military authorities of the general government. He is pressed by many men who desire to enter into such organizations, and he feels the importance of giving protection to the people. The Federal forces employed heretofore in the state have not been relied on for the latter object with absolute confidence, for they are frequently changed, the best regiments naturally going to the front, and the least efficient remaining here, so far as I can judge, to grow worse." I found on my arrival in Kentucky that General Stoneman was withdrawing the cavalry from the department, and I said, "The withdrawal of the cavalry under the order referred to, leaving as it does many points in the state without protection, gives force to the feelings of the governor. . . . I think it highly important that this authority should be granted; the troops are needed; the men can be had, and, indeed, are eager to enter the service, especially is this true of old soldiers who have been honorably discharged after three years service and are now unable to remain at their homes. They wish to defend their homes and kill the miscreants who have murdered many of their comrades since their return, and I sympathize with the feeling. Let me beg the attention of the war department to this point;" and I added, "the colored troops in the state, as they are infantry, will soon be sufficient for all guard or other local duty, and with the regiments proposed to be raised

will, in my judgment, be sufficient to establish and maintain order in the department.

Mr. Lincoln had mentioned Dr. Robert J. Breckenridge as a prominent Union man, and one to be consulted about Kentucky affairs. Unfortunately the son of Dr. Breckenridge, Colonel R. J. Breckenridge, was arrested at Keene, in Jessamine Co., in rebel uniform, and had possession of the following general order: "All officers and men now in Kentucky upon military service under authority other than that of the secretary of war are required to report to Colonel R. J. Breckenridge, whose orders they are commanded to obey. All who have authority from the secretary of war, prior to April 4, 1864, or from these headquarters, whose time has expired, will report to their respective commands or to these headquarters. All who fail to obey this order promptly will at once be reported to the existing authorities in Kentucky as not recognized by the Confederate government as prisoners of war if captured.

By command of Major-General Breckenridge.

J. STODDARD JOHNSON, A. A. G.'

I was disposed to treat Colonel R. J. Breckenridge as a spy, but Mr. Lincoln telegraphed me to send him to Columbus, Ohio, as a prisoner of war. Still that circumstance made it necessary that I should issue general order No. 4:

"HEADQUARTERS DEP'T OF KENTUCKY,

"LOUISVILLE, KY., *Feb. 25, 1865.*

"Reliable evidence has reached these headquarters that emissaries of the Rebel government are engaged in recruiting for their exhausted armies in the State of Kentucky. Appeals are again made to the young men of the state to disregard their duty and risk their lives and honor in a wicked and desperate cause, while men who have deserted the Rebel service, and are now peaceably at their homes, are required to rejoin their com-

mands and again encounter the perils of treason under the threatened penalty of betrayal to the Federal authorities, who they are taught to believe will treat them as outlaws and guerrillas. To counteract these efforts to mislead the men who have in good faith deserted the Rebel service, all deserters from the Rebel armies now in this department will within thirty days after date report themselves to the provost marshal of the county in which they reside for registry, and all persons who may hereafter desert from the Rebel armies and come into this department will within five days after their arrival report themselves for the same purpose. The provost marshal will receive the report of all persons presenting themselves under this order and will register the names, age, residence and particular military organizations from which they have deserted. Such registry will be regarded by the military authorities of this department as a distinct renunciation of all further connection with the Rebel government, and as entitling the registered person who demeans himself as a peaceable citizen to military protection.

“Persons who refuse to present themselves for registry, as required by this order, will be understood as adhering to the Rebel government, and if captured will be treated as spies, guerrillas or otherwise according to the circumstances of the case.”

The congress of the United States, on March 3, 1865, had passed a law declaring that “the wives and children of colored men who have heretofore enlisted, or who may hereafter enlist in the military service of the United States, are free.”

On March 12, 1865, by order No. 10, I announced the passage of this law to the colored people of the department. I said in the order, “This act of justice to the soldiers, claims from them renewed efforts of courage, fortitude and discipline, to gain a good name to be shared by a free wife and children. To colored men not in the army, it offers an opportunity to earn freedom for

themselves and their posterity. The rights secured to colored soldiers under this law will, if necessary, be enforced by the military authorities of this department."

The fact is, that the passage of this act, enfranchising the families of colored soldiers, called upon me for the decision of a great many most interesting questions. It must be remembered that there was no law in the State of Kentucky regulating the marriage of slaves, nor the relation of the parent and child. It may serve to illustrate my dilemma when I relate an interview between Governor John L. Helm and myself.

Governor Helm reported to me that two of his negro women, slaves, had married colored soldiers in camp at Elizabethtown, and they claimed to be free on account of the marriage. I said to him in reply, "You have no law in the State of Kentucky which recognizes the marriage of slaves. I am compelled by the act of congress to hold that colored soldiers may have wives and children. Marriages existed before laws were made, and children were the products of such marriages." Governor Helm told me that "both of these women had husbands." I told him that I had no court with jurisdiction to try such cases, and that I was compelled to depend upon the mere fact that those persons recognized each other as husband and wife. The law was greatly abused by the colored people of Kentucky, and there is no reason to doubt that polygamous alliances were very often formed for the sake of freedom under this act of congress.

I had great trouble to prevent the oppression of the colored people who were often sold to the government as "substitutes," and the city of Louisville went into the business of buying substitutes in order to meet the "draft," and I was compelled to issue the following:

"General Order No. 5. Officers charged with recruiting colored troops are informed that the use of force or menaces to compel the enlistment of colored men is

both unlawful and disgraceful. Several cases of this kind have been reported to these headquarters, and are under investigation. The able-bodied men of the state are enrolled, and have the right to volunteer for the service of the country. In this respect, there is no difference on account of color. No man can be forced into the service unless in pursuance of the law. Any violation of the order or threat towards white or black men to compel them to enlist will be severely punished. No bounty-broker will be allowed to accompany any recruiting party or in any way intermeddle with other operations."

The city council made an appropriation for providing such substitutes, and at the same time were using the prisons and slave pens, which existed in the city for compelling colored men to enlist. I therefore issued an order which prohibited the confinement of any person in any other place than a jail recognized by the civil authorities, and also an order authorizing the "Rev. Thomas James (colored) to inquire into the case of all colored persons arrested and held in confinement by the civil or military authorities in this department."

On May 15, 1865, I opened a correspondence with Geo. W. Johnston, judge of the police court, in which I said, "It has been reported to these headquarters that a number of colored men and women are confined in the workhouse for improper causes. I will send an officer this afternoon at two o'clock and investigate the nature of the charges. You will therefore instruct your keeper to admit the officer."

There was a law of the State of Kentucky which forbade negro slaves to go at large and hire themselves out as free persons.

The case of Jacob Hardin illustrates the condition of things in Kentucky. On June 3, 1865, I addressed to the keeper of the Louisville workhouse a letter, of which the following is a copy :

“HEADQUARTERS DEPARTMENT OF KENTUCKY,
“LOUISVILLE, *June 3, 1865.*

“TO THE KEEPER OF THE LOUISVILLE WORKHOUSE—
Unless Jacob Hardin, a colored man, is detained in your custody for some other cause than the order of the city court of Louisville, that he be confined in the workhouse until his master shall give bail, and he will not be suffered to go at large and hire himself out as a ‘free man,’ you will at once release him from confinement; Sergeant Hirschberger will deliver the order, and see that it is complied with.

“By command of Major-General Palmer.

“(Signed,) J. BATES DICKSON, A. A. G.”

In consequence of this, a letter was received from George W. Johnston, police judge, to which I dictated the following reply :

“HEADQUARTERS DEPARTMENT OF KENTUCKY,
“LOUISVILLE, *June 3, 1865.*

“GEORGE W. JOHNSTON, *Judge Louisville City Court:*

“SIR—Your letter of yesterday’s date, addressed to Captain E. B. Harlan, assistant adjutant-general, in which you state that ‘Jacob Hardin,’ represented to the court to be a slave, was committed to the workhouse until his master should give bail, that he would not be suffered to go at large and hire himself out ‘as a free man,’ was this morning laid before me.

“It is no part of the duty of the military authorities, under ordinary circumstances, to interfere with the action of the courts of the state, or to obstruct the operations of the local laws, but it is their clear and positive duty to protect the people from forcible wrongs, whether inflicted under the forms of law or otherwise.

“I beg to assure you that I do not question the integrity of the judge whose sentence is under consideration, though I express the opinion that it is without and unsupported by any existing law. ‘When the reason of

the law ceases, the law itself ceases,' is a rule founded in reason, and is recognized by all courts.

"The particular law which must be referred to to support this order was enacted by the legislature of Kentucky in support of slavery. According to the policy of the state, then recognized as correct, it was the duty and it was then in the power of masters to prevent their slaves from going at large and hiring themselves as free persons, while the slave himself had no interest in the question. This state of things has, however, ceased. During the last four years, from causes familiar to every one, masters were not, in a majority of cases, able to give protection to their slaves. It was not their duty then, even according to the theory of the law itself, to restrain them, and now, when the bonds of slavery are relaxed, if not totally broken, it is not in the power of masters to prevent slaves from going at large and hiring themselves as free men.

"This highly penal law, which demands impossible acts from the owners of slaves, must, therefore, be held to have ceased to exist, as much as if repealed by legislative authority. There is, however, another thing to be said, which demonstrates the correctness of that conclusion—masters have ceased to provide for or control those who are nominally their slaves.

"According to the theory of the obsolete law, these were his duties; he has neglected them, yet, by a strange perversion of justice, the slave is selected as the object of punishment. This man Hardin, now before me, has upon his limbs marks made by iron fetters, placed upon him only because his master has failed to obey this law.

"Nor is this the only enormity presented by the case. Hardin is ordered to be kept in the workhouse, as you inform me, not for a period so fixed as to determine, not until he does some act, but until the master over whom he can have no influence or control, and who has, now that slaves are valueless, no interest in him, shall voluntarily give bail, that he shall never again go at large or

hire himself as a free man. Hardin himself is required to do nothing ; his confinement must be perpetual.

"I forward you herewith my order made upon a consideration of the whole case.

Very respectfully,

"JOHN M. PALMER, *Major-General Comd'g.*"

As early as May 11, 1865, the mayor of the City of Louisville and a committee of the general council of that city, complained to me of the presence and condition of the large number of colored people in the city, and expressed apprehensions of pestilence from their crowded state, and asked me to cooperate with them in ridding the city of the evil. I assured the mayor and the committee of my cooperation in any judicious scheme to promote the welfare and happiness of the people of the city. Before replying to the general facts and views here expressed, I said : "Allow me to correct the error contained in your statement 'That no arrangement was or has been made by the military authorities for the protection or the support of the colored persons coming into the city.'

"On the contrary, the wives and children of colored soldiers coming here, and those residing in the city have been fed by the government, and all who could be induced to do so have been transported to Camp Nelson, and there provided for at the national expense, and the military authorities are still willing to provide in the same way for all of that class.

"But there are difficulties in the problem you present, which cannot be solved by the enforcement of the laws against vagrancy, or by restricting the right of the owners of the slaves, to allow them the small measure of freedom implied in permitting them to hire their own time, and go at large as free persons. These people and their ancestors for generation are, and have been, natives of the State of Kentucky, and have all as strong local attachments as other natives of the state.

"Recent events, which need not be particularized, have

disturbed, if not changed, their relations towards those who were their former masters.

“What is now required is, that their relations to the state shall be defined with reference to existing, and not past, facts. When that is done, confidence between the races will be restored; each will become again useful to the other, and order and prosperity will take the place of the confusion and vagrancy, which is now seen on every hand, to the alarm of all. As preliminary to this, and as preventive to vagrancy, these people must be allowed to migrate at their pleasure, and seek employment where it may be found. Now, under the operation of laws, obsolete for all useful purposes, and alive only for evil, colored men and women in Kentucky who might and would find employment elsewhere, are forbidden to cross the Ohio river, except upon almost impossible conditions.

“Capitalists, who own and operate the boats navigating the river, which has already led some minds to inquire whether the ownership of large property is not a disqualification, rather than a proper qualification for the manly experience of the rights of citizenship, they, terrified by these grim shadows of the past, throw unjust and oppressive difficulties in the way of the transit of even free persons, while those whose right to freedom is questioned by any one, upon grounds however slight, are denied the right of escaping from idleness and enforced vagrancy, to whom industry is possible and employment within reach.

“This difficulty, however, can be partially obviated by military authority. Deeply impressed with the dangers of the public health, which you so truly and forcibly depict, and anxious that the laboring poor of the city shall be saved the terrible consequence of the disastrous pestilence, of which you assure me that great fears are entertained, I have caused to be issued the General Order 32, from the headquarters of this department, a copy of which is herewith laid before you, and will, I hope, meet

your approval. . . . Vagrancy as a crime is voluntary idleness and profligacy. The only offense urged by you against them is poverty, . . . and when the difficulties which clog and embarrass the efforts of the whole race to earn homes and bread are removed, discrimination will be impossible, and the really guilty can be punished. Now, such is the uncertainty of the status of many, that even men seeking labor, dare not employ or harbor them. The wives and children of colored soldiers are told by some that the joint resolution of congress, giving them freedom, is unconstitutional and void, and that when, in the language of an eminent politician, 'federal bayonets are withdrawn, the courts of the state will so declare, and all claimants of freedom under it will be adjudged slaves.'

"Alarmed at this prospect, these helpless people abandoned their late masters, and flocked to this city for protection, and they shall have it so long as I command this department. . . . Other classes of colored persons are also free, and their right to freedom is doubted, questioned, and denied. They fly, and none dare employ them, and because they cannot be employed, and live in enforced idleness, they are by many called 'vagrants.' . . . American people, whether of European or African descent, have their rights under the constitution and the laws, and the military authorities of the United States will, in this department, claiming no power or authority to do otherwise, so far as possible, protect all, and will gladly cooperate with the authorities of the City of Louisville in every effort to promote the interests and preserve the health of all the inhabitants of the city.

"I have the honor to be, etc.,

"JOHN M. PALMER, *Maj.-Gen. Comd'g the Dept.*"

"General Order No. 32" provided for the issue of "passes" to colored persons upon the tender of the usual rates of transportation.

CHAPTER XIX.

Rumor of freedom amongst the negroes—Fourth of July, 1865—"Golden chariot and 'hosses' of salvation"—Judge George W. Johnston—Indictments against me—Letter to Hon. George Robertson—Election order of 1865—Revisit the old home—Mr. Garrett—Letter to Mr. Dana—Letter to the president—Success of the conservatives—Letter to Judge Trumbull.

The negroes in Kentucky believed that I had unlimited power, and one of those impalpable rumors reached the negro population that if they would come to Louisville on the Fourth of July, I would declare them to be free. The first I heard of such a rumor was from Mr. O'Bannon, of Eminence, Kentucky, which was about sixty miles from Louisville. He called at my headquarters a few days before the Fourth, and after the courtesies of the occasion—for I had known him—he said to me: "What in the h—ll do you mean by telling the negroes to come to Louisville on the Fourth of July and you will set them free?" I replied: "I never said such a thing in my life;" and he then told me that "the whole negro population in his part of the state were in motion for Louisville, where they expected to be declared free by me." Between that time and the Fourth I was told that negroes from all the surrounding counties were moving on to Louisville with the expectation that I would give them freedom.

The advance of the negroes began to arrive on July 3d, and a committee of them waited on me at my headquarters to know "at what hour and at what place I would declare their freedom." I told the committee that "I had no authority to set them free," and tried to persuade them to go home quietly and wait, and they would be free after awhile anyhow. There was a circus at the time in Louisville, performing under the direction of a man named Noyes, with whom I had formed quite

an acquaintance from frequent attendance upon his performances, and through Colonel Mark Mundy, Noyes had offered me his gilded chariot and the piebald horses to take myself and company to the fair grounds to hear Parsons, who had been an actor, and was now a Methodist preacher, read the "Declaration of Independence." The next morning, I took the gilded chariot and the piebald horses, with Parsons, Colonel Mundy and General Brisbane, for company, and reached the fair grounds about ten o'clock on the Fourth of July. Parsons, who was an excellent reader, and had a grand voice, read "the Declaration" in a manner which I have never heard equaled.

Messengers from Louisville told me that the city was full of negroes who were waiting for me to set them free, and that which finally determined me to go back to the city was a message from Captain E. B. Harlan, my adjutant-general, that Mr. James Guthrie, Mr. Osborne, Judge Ballard, and others who were my friends, had called upon him and said that I "must return in order to dispose of the negroes, of whom the city was full." I took the chariot and horses and returned to the city, and after stopping at headquarters long enough to consult Harlan, I noticed that there were fewer negroes in town than usual, and was told that nearly all of them had assembled in a grove south of the city, where I would find, as my informant said, "Twenty thousand negroes waiting for freedom!" I proceeded south on Preston street, with the chariot and horses, and General James S. Brisbane who had accompanied me from the fair grounds, and after we had passed Tenth street, I saw outlying negroes run back to the crowd after discovering us and report that we were coming. After we reached the edge of the crowd, I heard one old negro man shout aloud and say, "Dar he comes in the golden chariot and de hosses of salvation!" which was caught up and repeated to the echo, and then a sense of the

ridiculous nearly overcame me. When I reached the mass of colored people I was lifted over their heads and placed upon a platform erected for the occasion and surrounded by negroes whom "no man can number." When the tumult had partially subsided, I said, "My countrymen, you are *substantially* free!" They never heard the word "substantially." There went up a shout which could have been heard for a mile. Some were singing and shouting as if they were in a religious meeting, and terms were applied to me that were only proper when used in reference to the Supreme Being; while I thought of the president and secretary of war and doubted if they would sustain me; but while I stood I determined to "drive the last nail in the coffin" of the "institution" even if it cost me the command of the department. How long I stood on the platform I do not know, but when the noise had in a measure subsided, I said, "My countrymen, *you are free*, and while I command in this department the military forces of the United States will defend your right to freedom." Nothing like the scene I then witnessed will ever occur again in the United States, for human slavery has ceased to exist.

Slavery practically ended in Kentucky on July 4, 1865. I reported my conduct on that occasion to the president and the secretary of war, and as a consequence on the 25th of July the following order was issued:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"WASHINGTON, *July 25, 1865.*

"GENERAL ORDER No. 129.

"To secure equal justice and the same personal liberty to the freedmen as to other citizens and inhabitants, all orders issued by post, district or other commanders, adopting any system of passes for them, or subjecting them to any restraints or punishments not imposed on other classes, are declared void.

"Neither white nor black will be restrained from seek-

ing employment elsewhere when they cannot obtain it at a just compensation at their homes and when not bound by voluntary agreement, nor will they be hindered from traveling from place to place on proper and legitimate business.

By command of the secretary of war.

E. D. TOWNSEND, *Assistant Adjutant-General.*"

And thus President Johnson kept the promise made to me by Mr. Lincoln: "Go to Kentucky, keep your temper, do as you please, and I will sustain you."

At the election held the first Monday in August, 1865, Judge George W. Johnston, who had before that time held the office of city judge, and to whom I have referred as one of my correspondents, was elected circuit judge of the Jefferson county circuit court.

Judge Johnston was a good lawyer and an ardent well-wisher of the Confederates, but I may as well say here, that I have never met an old lawyer who was not conservative in his opinions and devoted to the orderly administration of justice.

At the November term of the circuit court which Judge Johnston held, he charged the grand jury, that though marshal law existed in Kentucky, my orders Nos. 32 and 49 were illegal, and therefore void, and afforded no justification for any one who acted in obedience to those orders. He instructed the grand jury that slaves who escaped under my orders were still slaves, and might be recaptured by their masters when found.

He mentioned instances where slaves had escaped under those orders, and without advising the grand jury to indict me, he clearly intimated that it was a proper subject for their investigation and consideration.

The grand jury of Jefferson county at the November term of the circuit court found several indictments against me, but public curiosity will be satisfied by stating the substance of No. 9,424, as it was numbered on

the criminal docket of the court. The case was entitled "The Commonwealth of Kentucky *vs.* John M. Palmer." The indictment charged John M. Palmer, a free person, of the crime of aiding a slave to escape and in attempt to escape from her owner; he, the said John M. Palmer, not having lawful nor in good faith a color of claim thereto committed in manner and form, as follows, to wit: "That the said John M. Palmer, a free person in said county of Jefferson, on the 11th day of May, A. D. 1865, with force and arms, feloniously did aid and assist a slave named Ellen, a female slave, in an attempt to make her escape from her owner, and said slave being then the property of L. R. Womack, by making and issuing an order dated, 'Headquarters of Department of Kentucky, May 11, 1865, General Order No. 32,' and commanding, among other things, that the provost marshal of the post of Louisville, upon the application of any colored person who may report him or herself as unable to find sufficient employment in the city of Louisville, to issue a 'pass' to said colored person, and for his or her family to go to any point they may wish, to engage in or in search of 'employment.' The said order made it the duty of all conductors and managers of railroads, steamboats and ferryboats to transfer the persons named in such passes, and in case of a refusal by any of them, they were ordered to be immediately arrested and sent out of the Department of Kentucky or punished as a military court might adjudge; the said John M. Palmer, being at that time the commander of the Department of Kentucky, and a major-general in the service of the United States. And, in obedience to said order, the provost marshal of the post of Louisville did, on May 14, 1865, in Jefferson county, Kentucky, issue a pass to Ellen, a female slave owned by L. R. Womack, to go and return from Jeffersonville, Indiana, and by means of said order and said 'pass,' said slave did attempt to escape and did escape from her owner, the said L. R. Womack," contrary to the statute. Writs of *capias* were

issued on the indictment, and others, which were found against me for the same offense, to the sheriff of Jefferson county, and the sheriff, Mr. Ronalds, called on me at my headquarters and told me that he had the writs in his possession. I said to the sheriff, “I will appear in answer to the writs, or you may execute them if you think proper. I cannot command a department through the grates of a jail, and I have therefore issued an order to General Watkins, if you arrest me, to capture the jail and release me, and at the same time arrest you and such of the grand jury as he can find, and put you and them in my place.” I kept my promise to appear, and soon afterwards appeared in answer to the writs. When I offered bail, Judge Johnston told me my personal word was sufficient in place of bail. I appeared also at the December term of the court, after three-fourths of the states had ratified the Thirteenth Constitutional Amendment. The action of Alabama was reported, and the only question was whether the court would take “judicial notice” of that event or not. The commonwealth’s attorney and I agreed to submit the case upon a statement of facts. “It was agreed by the commonwealth’s attorney that Order No. 32, named in the indictment, was issued by General Palmer by the authority of the war department, and that said order has been approved; that at the time said order was issued, General Palmer was the commander of the Department of Kentucky, being assigned to that command by the president of the United States; that General Palmer is a major-general of volunteers, and said attorney admits that when said order was issued, martial law existed in Kentucky. Major-General Palmer admits that he issued said order and that the order given to the slave mentioned in the indictment was given by the provost marshal of Louisville, and the indictment against Major-General Palmer has been returned by the grand jury since Kentucky was relieved of the operation of martial law, and that Major-General Palmer is still the commander of the Depart-

ment of Kentucky. . . . It is agreed that the court may dispose of all the legal questions arising on the indictment, and the agreed facts upon a motion to quash the indictment and discharge General Palmer."

The case went off upon a point not covered by the agreed state of facts, for Judge Johnston held that he would take judicial notice of the fact that the State of Alabama had adopted the thirteenth amendment, prohibiting slavery in the United States, which made the requisite number (three-fourths of the states), and that with the prohibition of slavery in the United States, all the laws of the several states intended for its support fell with the institution, and that therefore the indictment should be quashed.

It was nearly sundown when the court announced its opinion, and upon my discharge from the indictment, I left the court room and went to the head of the stairs overlooking the rotunda, and saw it crowded with negroes, who, attracted by their interest in the case, had come into the hall below to hear the final result. I announced the end of the case, and said to them: "A Kentucky judge has declared you all to be free—thank him."

They answered by shouts, and for a few minutes I could hear nothing more. I said to them: "Thank Judge Johnston." Hundreds of them followed me to my boarding house, where I was compelled to address them again.

I heard them during the afternoon and night singing, using all kinds of musical instruments, even to the "jews harp," for a crowd serenaded me with that primitive abortion.

They have in Kentucky a peculiar practice which authorizes the commonwealth's attorney to certify the indictment to the court of appeals, which corresponds with the supreme court in other states, and Mr. Dupuy, the commonwealth's attorney, who had treated me with great politeness during the argument, on motion "to quash," caused the indictment to be certified to the

court of appeals to take its opinion as to its efficiency. Judge George Robertson, with whom I had some correspondence about a slave, in which he has said in return for a compliment paid to him by me: "I would not think of asking your opinion upon any question of divine law, or of the law of nations, or of municipal or statute law, but martial law is the will of the commander of the army, interpreted by himself, and I thought it proper to ask your opinion of the existing condition of affairs in Kentucky, which is under martial law."

He delivered the opinion of the court, and took advantage of that occasion to come back at me. He said in the opinion: "As well might the defendant, Palmer, if he had stolen a horse, have said that the horse had died before the indictment, in order to escape punishment." I give my letter to Judge Robertson, which was dated:

"HEADQUARTERS OF DEPARTMENT OF KENTUCKY,
"LOUISVILLE, *July 25, 1865.*

"HON. GEORGE ROBERTSON, *Sir*—I have to acknowledge the receipt of yours of yesterday's date, and will as you request promptly and explicitly respond.

"You state at some length the circumstances by which you acquired Jackson Jones and his family, and permit me to say they are creditable to your character for humanity. But I think it would complete the picture, if, after fifteen year's service from him, you would say to the whole family, father and children: "Go free!" He may be a liar and a thief, and the fact that he makes two dollars a day when he works for himself, justifies the hope that, if free, he might become truthful and honest. Slavery is an indifferent school for morals. I do not think he can be compelled to leave the state. He is a native of Kentucky, and has perhaps, some of that attachment for his birth-place, which so distinguishes Kentuckians.

"But few could be prevailed to emigrate, unless they could be induced to think they could be benefited by it. I presume your want of success in your efforts to induce

Jones to leave is attributable to the fact that he has not been made to comprehend how a removal can benefit him. I can give him a 'pass' to leave the state, but cannot, and will not, compel him to go. If he is a bad man, I would not impose him upon any other community; if a good man, you could not well spare him.

"And I will add, that you need apprehend no military interference with your rightful dominion over him. I surely will not hinder him from voluntarily submitting to any degree of dominion you may choose to assert, and you may do with the two boys anything the law permits.

"And, doubting of my ability to advise a judge of your standing and experience, I will say that while they are in your family you ought to compel them to submit to your rules. All children are benefited by being taught habits of submission to rightful authority.

"I am, very respectfully, yours,

"JOHN M. PALMER, *Major-General Commanding.*"

It was in answer to this letter that I received the tart reply above mentioned. My attention was first called to the importance of the election in Kentucky by a communication from Governor Bramlette, which I answered July 15, 1865. I responded to the governor, and said: "I have the honor to receive your indorsement upon the letter to Mr. Miller, in reference to protecting the polls at the approaching election. I will most cheerfully afford all the aid within my power to the officers and voters of the state, in enforcing the election laws, and in the arrest of all persons who may disregard them. Please furnish me copies of your proclamation, at as early a day as possible, as my order to my subordinates must refer to it as the measure of their duties." The governor having furnished me copies of the proclamation, I issued at once the following order, No. 51:

"HEADQUARTERS DEPARTMENT OF KENTUCKY,
"LOUISVILLE, KY., *July 26, 1865.*

"The near approach of an important election, to be held in all the counties of the state and military Department of Kentucky, renders it proper, in the judgment of the general commanding, to require all officers of the state, charged by law with the duty of conducting elections, to give to the legal voters of the state the most complete protection.

"Martial law prevails in the Department of Kentucky, and certain classes of persons are especially under military surveillance and control. These are :

"1. The Rebel soldiers, whether paroled or not, and without regard to the fact that they have or have not taken any of the oaths prescribed by law, executive or military orders, or if registered under orders from the headquarters of the Department of Kentucky.

"2. All guerrillas and others who, without belonging to the regular Rebel military organizations, have taken up arms against the government or people of Kentucky or any other state or territory.

"3. All persons who by act of war, directly or indirectly, gave aid, comfort or encouragement to persons in rebellion. (This applies to all persons who have voluntarily furnished any Rebel force or person with information, food, clothing, horses, arms or money, or have labored, concealed or otherwise aided or encouraged them.)

"4. All deserters from the military or naval service of the United States, who did not return from said service or report themselves to some provost marshal within sixty days, limited in the proclamation of the President of the United States, dated March 11, 1865, and all persons who deserted from the military or naval service of the United States after March 3, 1865, and all persons duly enrolled who departed the jurisdiction of the district in which they were enrolled, or went beyond the limits of the United States to avoid any draft.

“All persons who were or have been, directly or indirectly, engaged in the civil service of the so-called Confederate government, or the so-called Provisional government of Kentucky, or who have in any way voluntarily submitted to either of the said pretended governments.

“All such persons are disqualified from voting by the laws of the State of Kentucky, and the act of Congress of March 3, 1865. All persons of the classes aforesaid, are required to abstain from all interference with the election, and will, if they shall in any manner interfere therein by voting, or attempting to vote, or by appearing at the polls, be at once arrested, and held for military trial. Aid will be given to the civil authorities to enforce the law and preserve the peace. Any person who shall counsel, advise, or encourage any judge of any election, or any other person, to disregard or disobey the law as declared in the proclamation of the governor of the state, will be at once arrested. The peace of the country can be secured only by obedience to the law.

“My impressions as to the result of the election in Kentucky were communicated to Hon. Charles A. Dana, who was at this time conducting the ‘Republican’ newspaper, published in Chicago, Illinois, and whom I had known as assistant secretary of war, operating with the western army. I said to him :

“ ‘My impressions as to the results are against the friends of the constitutional amendment ; they lack mutual confidence and organization, and are divided by the pretensions of individuals.

“ ‘Rousseau, who is a candidate for the house in this district has more strength for the senate than anybody else. He is no politician, though of respectable abilities. Bramlette is at work for the same position, and each is running a separate machine. I hope, and believe, we will elect as follows : Yoeman, second district ; Rousseau, fifth ; Green Clay Smith, sixth ; Randall, eighth ; McKee, ninth. We have a bare chance to elect Lowrey in the third, and General Fry in the seventh. We shall

certainly be defeated in the first and fourth districts. I must also confess that it is not absolutely certain that we will elect more than one member (Randall) ; all the other districts are close. Our friends in many parts of the state talk confidently of carrying the legislature, but I see no such indications of unity and energy as frees me from painful doubts.'

"By the way, Governor Bramlette's proclamation and my Order No. 51, which I send you, may do much good. If they keep illegal voters from the polls, much good may be done.

Respectfully,

"JOHN M. PALMER."

The governor's proclamation and my order did not keep illegal voters from the polls, and the conservatives succeeded in electing a majority of both branches of the legislature.

Before the election, on Monday, August 1, 1865, I visited Bowling Green, Russellville, Elkton, and finally arrived at the place which I recollected in Christian county, and to which I had been brought when but little more than one year old. While in the neighborhood I dined with Mrs. Reuben Radford, when she insisted that I should permit the Rev. Mr. Sears, who was a Baptist preacher, to return to the State of Kentucky. He had been expelled from the state for sympathizing with the rebellion. He had preached a sermon in Clarksville, Tennessee, in which he had said that the "negroes were mere animals, and had no souls, and were properly slaves to the white people." Mrs. Radford did not believe this statement to be true, but still insisted that Mr. Sears should be permitted to return. Although I desired to please Mrs. Radford, as an old friend, I did not permit Mr. Sears to return to the state. My visit to Mrs. Radford was one of great interest to me. While there, I went to the old home place, which my father had sold to Mr. Radford in 1830, and went to the house of Mr. Isaac Garrett to spend the night. I arrived at

the house of Mr. Garrett in the afternoon, and told Mrs. Garrett my name, but she was so frightened at my uniform and my escort, which consisted of ten cavalrymen, that she did not recognize me. I determined to leave the house, and soon afterwards was told that some one was running to overtake me. It was Mr. Garrett, and I went back with him. It was said of him that he was the most industrious man and the greatest tobacco raiser in Southern Kentucky; that he laid awake on Sunday night after attending church meeting that he might get into his tobacco field soon after midnight on Monday morning.

Mr. Garrett had only small children, and in order to save time, he used, during my boyhood, to ask me to walk with him and tell him what I had read in the newspapers, while he "wormed" and "suckered" the tobacco. At the time of my visit, he repeated to me many incidents of my boyhood, told me of the extent of his possessions, and informed me that, though he was raising but ten acres of corn, "he was not as poor as he seemed to be." He said that the "entire proceeds of his crops of tobacco, worth about fifty thousand dollars in gold, was in New York, and was subject to his order." He called me "John," told me that all his negroes had left him, except the "old, the foolish and the children." Before I left him, I proposed to get his pardon from the president. He declined, not comprehending why he needed pardon, and a conversation in effect as follows took place. I said, "You aided the rebellion by giving money to Woodard's guerrillas, did you not?" "Yes," he replied, "I gave them one thousand dollars, because they told me that you abolitionists from the North were coming down to take away our negroes, and I wanted to help resist you." I replied, "You are worth more than twenty thousand dollars, and you know that President Johnson has offered a pardon to those who will take the oath and are worth more than that amount." Still he insisted he had done nothing for which pardon was necessary. And so we parted, and, as I learned after-

wards, the man who had his money in New York tendered him the amount in greenbacks instead of gold, which, with his other troubles, so preyed upon his mind that he died soon afterwards in the insane hospital at Hopkinsville.

Before July 29th, it was reported to the president by a Mr. Price that "provost marshals issue 'free papers' to negroes indiscriminately." In a communication to the president, I said, "I have already acknowledged your dispatch of yesterday, containing a copy of a dispatch from Mr. Price, which states that 'provost marshals issue free papers to negroes indiscriminately.' I refer you to my dispatch, in which I say, 'No free papers are issued by any officer in this department,' which, though literally true, does not quite meet the facts as they are. I forward you my General Orders Nos. 32 and 49." Under these orders, many passes have been issued by provost marshals and others to negroes who hold them, and I am told that in many cases they regard and act upon them as "free papers." The reasons for issuing Order No. 32 will be found upon the face of the order, but the reasons which influenced the mayor and his friends to apply to me do not. Large numbers of negroes were then in Louisville from the surrounding country, who had escaped from or had repudiated the authority of their masters. The mayor and others desired my approval of a plan they had arranged for the general enforcement of the laws against vagrancy, and the law which forbids slaves to go at large and hire themselves out as free persons. To have enforced these laws would have produced great misery and alarm amongst the blacks. To leave the negroes in the city would have alarmed the fears of the citizens, who were beforehand taught to think their presence would cause a pestilence. They sought to make me responsible for either consequence. To avoid both, I issued Order No. 32. Under it over five thousand negroes have crossed the river at this place alone.

Before the Fourth of July, an impression had got abroad amongst the negroes throughout the state that on that day they were all to be made free. Influenced by that belief, thousands of them left their masters' houses and came into our posts at different points in the state. Every nook and hiding-place, at such places as Louisville, Camp Nelson, Lexington, Frankfort, Bowling-green, Mumfordsville and other places, was filled with them. They were without work or means, and the greater the number and the more destitute they were, the more the people resisted employing them. I was compelled, from these causes, to issue General Order No. 49, and the "free papers," referred to in the telegram of Mr. Price, are merely passes issued under those orders. I have been greatly embarrassed in respect to the colored people by the acts and declarations of politicians and press in the anti-administration interests. They have given the negroes extravagant ideas of the purposes of the government by announcing in their speeches and columns that it was the intention of the government to free them all, furnish them with food and clothing, and put them upon an equality with the whites. Invariably a conservative gathering in the neighborhood is followed by a stampede of negroes.

"I think, and respectfully submit, that it is impossible under the existing state of facts here to recognize the laws of the state in reference to slaves and slavery.

"At the beginning of the war Kentucky had about two hundred and thirty thousand slaves, say, .		230,000
"Our reports show number of negro enlistments,		28,818
"Estimated number of women and children freed by resolution or act of congress of March 3, 1865,		72,045 — 100,863
Balance,		<hr/> 129,137
"One half of this residue are presumed to have be-		

longed to Rebels, and are therefore free. From this small number ought still to be taken a percentage for the thousands who have escaped from the state. For the sake of keeping the small number in subjection to masters, the whole race in the state are most cruelly oppressed and outraged under colors of laws which render freedom to a negro in Kentucky impossible. I have felt it my duty to give protection to this large free population as far as possible, but in doing so I have on occasions been compelled to do acts which in effect greatly impair the tenure of the small number of persons who are still technically masters of slaves. Indeed, it must be admitted that many slaves left the state under orders Nos. 32 and 49, which are inclosed, and every decision I make in favor of a negro seems to start a host of individual cases which come within the same principle. In short, slavery has no actual existence in Kentucky, and if the constitutional amendment is defeated at the election, the whole active colored population will fly, unless I employ the troops to prevent it, and you have not and will not be likely to order that to be done.

"To illustrate the effects of any fair rule upon the status of slavery in Kentucky, I will advert to the effect of one rule which I am compelled to recognize and observe. By the laws of Kentucky, laws once when all were slaves just enough in their application, all negroes were presumed to be slaves; a large majority are certainly free. To presume slavery from color alone is contrary to justice. To presume freedom without regard to color, and give protection accordingly, is to end slavery.

"I am often called on to afford protection where there is no proof at hand, and am compelled to presume one way or another.

"I submit these difficulties to meet some of the complaints which will probably reach you from the *loyal people* of Kentucky.

"I have the honor to be, etc.,

"JOHN M. PALMER, *Maj.-Gen. Com'd'g.*"

Judge Johnston decided on December 5, 1865, that the court would take judicial notice that the requisite number of states had assented to the Thirteenth Amendment to the Constitution of the United States, which decision was undoubtedly right. I, therefore, on the seventh day of the same month announced the adoption of the amendment and that slavery was ended in Kentucky.

“HEADQUARTERS DEPARTMENT OF KENTUCKY,
“*December 7, 1865.*

“CIRCULAR No. 6.

“The general commanding announces that though the fact has not been officially announced, enough is known to warrant the statement that the amendment of the Constitution of the United States prohibiting slavery has been ratified by the legislatures of three-fourths of the states, and is to all intents and purposes a part of said constitution.

“Whatever doubts may have hitherto existed on the subject, slavery has now ceased to exist in Kentucky, and with it fall all the laws of the state heretofore in force intended for its support.

“JOHN M. PALMER, *Maj-Gen. Com'd'g.*”

On the 11th day of December, Mr. Allen, an influential member of the house of representatives from Breckenridge county, introduced in the house resolutions covering several subjects, but one of the resolutions attacked me for issuing the order before mentioned. Its language was that: “Whereas, the people of Kentucky have been informed in a proclamation which issued from the headquarters of General Palmer, commanding in the department of this commonwealth, that the requisite number of states having voted in favor of it, the amendment of the constitution of the United States has been adopted, and that slavery no longer exists in Kentucky. Against this amendment, and against this mutilation of the constitution of the United States, we, the members of the

general assembly of the commonwealth of Kentucky, before the people of the nation earnestly and solemnly protest. We protest against the proclamation of the general commanding, as a piece of presumption. Martial law having been removed from the state, all information of national interest should be communicated to the people of the state by the executive officer thereof, who no doubt at the proper time will give them information."

Mr. Allen must have known that the amendment to the constitution took effect from and after its adoption by the requisite number of states, and that my "proclamation" was directed to others, rather than to the legislature of the state.

Mr. Buckner, of Clark county, introduced resolutions, one of which denounced my election orders as a "gross violation of the act of congress to prevent military interference in elections," while Mr. Cochran, who volunteered to argue the motion against me to quash the indictment, called in question a communication written by me to the "Louisville Journal." This led to the following correspondence :

"FRANKFORT, KY., *Feb. 15, 1866.*

"*Sir*—The undersigned committee appointed on behalf of the senate of Kentucky, for the purpose indicated by the resolutions, a copy of which is inclosed, respectfully request you to acknowledge the receipt of the resolutions, and that you will at your earliest opportunity give the information called for in the resolutions. If such a state of things exists as referred to, it is time that the legislature should take some action for the remedy thereof. We hope, therefore that you will comply with the wish of the senate. Yours, most respectfully,

"T. B. COCHRAN,

"W. H. GRAINGER,

"M. J. COOK.

"To Major-General John M. Palmer, Louisville."

I answered as follows :

“HEADQUARTERS DEPARTMENT OF KENTUCKY,

“LOUISVILLE, KY., *Feb. 15, 1866.*

“HON. T. B. COCHRAN. W. H. GRAINGER AND M. J. COOK, *Com. of the Senate of Kentucky:*

“*Gentlemen*—In accordance with the request contained in your note of the 15th inst., addressed to me, I acknowledge the receipt of a copy of the preamble and resolution which you inform me were adopted by the senate of Kentucky, and by which you are appointed to respectfully demand certain information. I have read the paper adopted by the senate with great attention, and in view of its language, am compelled by a sense of what is due to the government of the United States, and myself and its military representative in this department, to decline all intercourse or communication with you as a committee of that body.

“The Kentucky senate has its own duties to perform, and I have mine, and it must be left to the loyal and patriotic people of the state to decide whether a body which offensively declares its disbelief of the truth of the statements of a public officer, and then *demand*s the evidence upon which those statements are made, intended to insult him, and excite popular prejudice against the government he represents, or were influenced by any purpose to promote the public good.

“Accept my thanks for the courteous manner in which you have discharged your duties, and allow me to assure you that it will afford me pleasure to lay before you as private gentlemen and citizens, the numerous letters and official reports which furnish material for all the statements contained in my letter published in the *Louisville Journal*.

“With great respect for each of you personally, I am,
etc.

JOHN M. PALMER, *Major-General.*”

"HEADQUARTERS OF DEP'T OF KENTUCKY,
"April 29, 1865.

"CIRCULAR No. 3.

"The functions of the civil courts in this department being to an extent suspended by martial law, makes it the duty of every officer to be scrupulously observant of public and individual rights, and to afford as far as possible complete protection to the people. The power of arrest will hereafter be sparingly exercised and directed against real offenders.

"There is no longer in this department, hostile to the government, an organization which deserves to be characterized as military. The bands now prowling about through the country are simply guerrillas and robbers, and are to be treated as such. They will be allowed to surrender for trial. All the loyal people of this department are to be protected, without regard to color or birthplace.

"Complaint reaches these headquarters of the beating of men and women for claiming the benefit of the 'amnesty oath,' and the acts of congress freeing the slaves of all persons who have been in rebellion against the government of the United States, or who have aided or given comfort to those in rebellion, and in the joint resolution freeing the wives and children of enlisted men and others, who have acquired rights under the laws, executive proceedings, and orders referred to, are free, and whether free or not are to be protected from cruelty and oppression.

"In all cases where the state of the country and the organizations and rules of the civil tribunals will permit them to enforce justice and punish crime, offenders against local laws will be handed over to them for trial. In no case, however, will any person, or court martial, be allowed to deprive any one of his, or her, liberty who is within the terms of any of the acts, resolutions, proclamations, or orders, above referred to, or to harass by proscription, or otherwise, those who

may assist them in earning a support or maintaining their rights.

“By command of Major-General John M. Palmer.

“J. BATES DICKSON, *Captain and A. A. G.*”

Copy of letter to Judge Trumbull :

“HEADQUARTERS OF DEP'T OF KENTUCKY,

“*January 4, 1866.*

“HON. L. TRUMBULL: *My Dear Sir*—I inclose you a copy of a petition which is being extensively circulated here for the signatures of the colored people of this city, and will be presented to the Kentucky legislature. I prepared the paper for them as a quiet, modest demand for the recognition of the essential rights of the freed people, seeking to avoid language which could be tortured to the purpose of prejudice and at the same time escape disgraceful imputation of servility. Still I have such moderate hopes that it may be favorably received by the legislature, that I have advised them to look to congress and prepare a petition for its consideration. You will perceive that the first point presented by the petition is that of residence in the state, or citizenship, if that form of expression is preferred.

“Chapter XV Revised Statutes of Kentucky, in all its provisions, limits citizenship to free white persons. The laws passed in pursuance of a requirement of the constitution compels, or it is intended to compel, all emancipated persons to leave the state, and Article 2, Chapter XCIII, Revised Statutes, Vol. 11, pages 306–7, declares that, ‘Any free negro or mulatto who has since June 11, 1850, migrated, or shall hereafter migrate, to this state with the intention of remaining here, shall be guilty of felony, and upon conviction shall be confined in the penitentiary for any period of time not exceeding five years.’ The whole article is like this, in barbarity and injustice, and will in some parts of the state be rigorously enforced. I trust your bill, to which I have seen

telegraphic references, repeals these and similar laws. I suggest that they may be defeated by an act of congress declaring all persons of African descent born in the United States, or in any of the territories, or in any place subject to the jurisdiction of the United States, or in any of the territories, or in any place subject to the jurisdiction of the United States, to be citizens.

"By the Constitution of the United States, congress has power to establish a uniform rule of naturalization, and this power is exclusive of that of the individual state (Kent's Com., Vol. 1, p. 424; 2 Wheaton's Rep. 269); and it is also true, that congress has by law naturalized, or citizenized, certain people in gross (see act of March 3, 1843, with respect to Stockbridge Indians, Stat. at Large, Vol. 5, p. 647); and instances of collective naturalization by the treaty-making power are numerous, as in the case of the acquisition of Louisiana, April 3, 1800, and purchase of Florida, 1819, treaty with Mexico, 1848, and by joint resolution of congress, as in the annexation of Texas, March 1, 1845.

"If the freedmen are declared by law to be citizens, the legal consequences of citizenship follow, and defeat the injurious operation of the laws already referred to. I am aware that there are many jurists and publicists who entertain the opinion that the freed people of African descent are now, in point of law, citizens of the United States. This may be the correct view of the subject, but there is a formidable array of authorities on the other side, and it is certain that the courts, if the question is left in its present state of doubt, will hesitate, falter, and decide both ways for years to come. A few words of legislation will remove all doubt, and, what is more, will place the colored race in the class of free men, whose political and legal rights are so carefully secured and guarded by many provisions of the federal state constitutions. I attach great consequence to this idea, for most of the oppressive legislation of the state proceeds upon the theory that the negroes are not members

of the political society, and are not referred to or protected by the constitutional provisions. They are elaborations of the amiably expressed, but damnably conceived doctrine, that we find so often adopted by meetings of those political bastards who call themselves Democrats, that 'this is a white man's government'—which means that a thief may be a Christian, if he only steals a negro.

“The second point presented by this petition, is that of protection. There can be no doubt that, under the general duty imposed upon the United States by the constitution to guarantee to each of the states a republican form of government, congress may, and ought to, provide for the states which are subverted a temporary government, that ought to be adequate in its powers to the protection of the people in all their essential rights. Upon this ground, and this only, *pro tempore* governments have been organized in the states whose governments were subverted and overthrown by rebellion. These temporary governments possessed only such powers as the United States conferred upon them, and these powers are deposited in the hands of its agents. I have always supposed a portion of the powers of such governments might as well, in point of law, have been deposited with the colored population, or a part of it, as with civil and military officers, or with that part of the white people selected by the government of the United States for the purpose. I need not argue this, nor any thing else, in support of the assertion that it is the duty of the United States under the constitution to organize, put in force, and maintain, in states where government is subverted by rebellion, an effective government, and that in doing so it must deposit the powers of these governments with agents of its own. This, I think, is the true theory in case of a partial subversion, or partial destruction of the state government. Such partial subversion, or partial destruction of the state govern-

ment, is that it becomes incapable of fulfilling the ends for which governments are ordained amongst men.

"The people of Kentucky organized a system of government for the white population of the state, which they supposed to be adequate to all their rights, which in terms excludes negroes from any part or participation in its benefits, and expressly refers the government of that whole race to another system, which is known as 'slavery,' and thus slavery is made part of the governmental system of the state, comprehending and providing for the African and mixed races. Slavery, that part of the system intended for these classes, is subverted and overthrown, and the duty of the United States results, to provide for a temporary government for those left by this subversion without government.

"It has discharged this duty so far through the agency of the military officers and the freedman's bureau, and it may and ought to continue to do so in some effective way until the state governments comprehend them within, and give them the protection of, their general political system. I think a law of congress declaring them to be citizens of the United States, would be a long step in the right direction. It seems to me that the states in excluding the negroes from their own system of government, disclaim the only ground of and decline jurisdiction over them, and necessarily, now that slavery, the only government provided for them, is subverted, refer this whole class of persons to the jurisdiction of the United States. The state governments do not govern and protect them as free men, and the states are forbidden by the constitution of the United States to govern them as slaves. They have a natural right resulting from their relations to the government as subjects, or citizens, to demand the benefit of the government, and their interests, as I maintain, are protected by the constitutional guarantee. I think that the legitimate, practical consequences are :

"1. That so much of the governmental system of Kentucky as relates to the African race is subverted.

"2. That it is the duty of congress to organize government which shall supply the subverted powers of the state government.

"3. That the powers of the temporary government must be precisely in its scope limited to the government of the people, who are left without government by the subversion of slavery, but equal in its power to the accomplishment of the object of government.

"4. That this government thus organized must be temporarily limited in its duration to the period when the states shall by an appropriate action provide for this people a republican government.

"5. That the government of the United States must judge for itself before it can be required to give way to the action of the states, whether the rights of the colored people are sufficiently secured and protected or not.

"6. That it ought, before it abandons the government of these people to the states, secure for them beyond question 'equality before law.'

"Respectfully, etc.

"JOHN M. PALMER."

"HEADQUARTERS OF DEP'T OF KENTUCKY.

"*February 19, 1866.*

"ADJUTANT-GENERAL U. S. ARMY: *Sir*—The attention of the government is respectfully called to the fact that I have this day tendered my resignation as major-general of volunteers, to take effect on the first day of April, 1866, and requested to be at once relieved from the command of this department.

"In connection with my resignation, I beg to call attention to the fact that there are now four suits pending against me in the civil courts held in Kentucky, for acts done in the course of my duty as commander in this department, demanding an aggregate of damages to the

amount of seventy thousand dollars. These suits are as follows :

"1. Garrett Davis *vs.* John M. Palmer and the Kentucky Central R. R. Co. Bourbon Circuit Court. Process returnable first Monday in April, 1866. Damages, \$10,000.

"2. Brutus J. Clay *vs.* John M. Palmer and the Kentucky R. R. Co. Bourbon Circuit Court. Process returnable first Monday in April, 1866. Damages, \$40,000.

"These suits are instituted to recover the value of certain negro slaves who are alleged to have escaped and were transported by the railroad company by passes issued by the provost marshal of Paris, Kentucky, under General Orders Nos. 32 and 49, copies of which are herewith enclosed.

"3. Jesse H. Hall *vs.* John M. Palmer *et als.* Harrison Circuit Court, May 1, 1866. Suit for false imprisonment. It is not alleged that I had anything to do personally and had had no personal knowledge of this arrest, but Mr. Garrett Davis, counsel for plaintiff, seeks to charge me upon some idea that, as commander of the negro troops, I am responsible for all their acts. Damages, \$10,000.

"4. Calloway *vs.* John M. Palmer—false imprisonment. The plaintiff was arrested in July, 1865, for expelling a colored woman from the cars. This arrest was to check the numerous outrages perpetrated at will upon the negroes in all parts of the state. The imprisonment was only nominal, and the party was brought before me and then discharged.

"It will be seen that these suits cannot be disposed of at once, and that to defend them will involve the expenditure of much time. I have defended with success other suits brought against me here without expense to the government, having paid all needful costs from my own pocket, and given them my personal attention.

“I have to request that the defense of these suits be undertaken by the government.”

I forwarded this letter to the adjutant-general with my resignation, which I requested might take effect on April 1, 1866. The government took charge of the suits against me, and indemnified me against costs.

CHAPTER XX.

The guerrillas—Killing of Marion—Capture of "Sue Mundy"—Magruder and Medkiff—Sentence of Davis and Berry—Mrs. Smith and Miss Bailey—Feeding the guerrillas.

Kentucky was cursed at the time I assumed command of the department by the presence of "Sue Mundy" (Jerome Clark), Marion, Magruder and Quantrell, who finally came into the state, and others.

Much was expected of me in the suppression of the guerrillas. The Louisville Journal said: "The guerrillas, we apprehend, have had their day in Kentucky, a long and a stormy one to be sure, even without Confederate cooperation. General Palmer, we are confident, will soon clear our state of the bloody and spoil-laden wretches who seem likely to have Confederate co-operation of the most effective kind."

General Burbridge, who had preceded me in command of the district of Kentucky, before it was made a department, had attempted to terrify the guerrillas by hanging their friends. He was in the habit of selecting four, by lot from his military prison, and having taken them near to the scene of the outrage, hang them. I chose to pursue a different course, and made war upon the guerrillas personally. For example, the guerrilla Marion having sent me notice that he had captured Dr. Montgomery Miller, assistant surgeon of one of the Indiana regiments, and would hang him unless Medkiff or Magruder, who were both in the military prison, should be discharged. I issued an order dated April 11, 1865, that "neither Medkiff nor Magruder will be discharged, but will be tried, and if found guilty of acts contrary to the rules of civilized warfare, will be punished accordingly; and upon reliable information that Dr. Miller has been injured, both will be executed at once. The above

notice is given at the request of Marion that an answer be returned through the newspapers."

I notified Mr. Lindsay, adjutant-general of the state, that "Captain Terrell is acting under orders from these headquarters, and that he belongs to the police force of this department." When I got this notice from Marion, I determined that he should be captured or killed. I immediately proceeded by rail to Eminence, Kentucky, and found Terrell there, having sent him word to meet me. Terrell had killed an officer of his regiment (Confederate) when serving in Virginia, and his followers were not much better than Marion. From Eminence, I telegraphed to the adjutant-general of the department, ordering Major Wilson, late of the 4th Kentucky, to proceed, with one company of the 30th Wisconsin, on the Bardstown pike, in order to create a diversion in Terrell's favor, and to help him in case it was necessary. A few days afterwards, General Harlan reported that Terrell was "in front of my headquarters with Marion." I went to the front, and found that Terrell had killed Marion, had loaded his body on the Bardstown railroad and brought him in. He had rescued Dr. Miller from his peril. Terrell was an exceedingly dangerous man; I never let him enter my quarters without keeping a revolver at hand.

Afterwards, Porter, who was the successor of Quantrell, came into my headquarters, and proposed terms of surrender. I told him that the guerrillas must surrender for trial; that I would see them, and if my terms were not satisfactory, I would not detain them, but they should have twenty-four hours of grace to return to the place from whence they came, but that I would keep up the war on them.

In the meantime, an affair had occurred near Bardstown, which I characterized as an "infamous outrage," and in consequence of which I issued "Special Order No. 64," in which I said: "Satisfactory evidence having been furnished the general commanding that an in-

famous outrage was committed on the person of a lady living near Bardstown by certain scoundrels who profess to be Rebel soldiers, notice is given to all concerned, that no guerrilla, or Rebel soldier, who now is or has been in Nelson county within ten days past, will be allowed to surrender himself, otherwise than for trial, until the perpetrators of this crime are arrested; they are guerrillas, and are known to the people of that county, and a reward of five hundred dollars is offered to any person who shall arrest or kill either of the men engaged in the commission of this outrage."

Edwards, in his noted "Guerrillas," in describing this affair, says: "In the meantime, a horrible outrage had been committed. A most respectable woman, a Mrs. Clark, had been outraged under circumstances of peculiar atrocity. Riding an unfrequented road to a neighboring town in quest of medicine, or medical attendance for an ailing neighbor, she was overpowered by two ruffians and monstrosly abused. Some who both hated and feared the remnant of Quantrell's little band accused them of the atrocious act. General Palmer, in a moment of unreasonable indignation unusual for him, joined in the outcry without investigation, and declared bitterly that, until the savages who did the deed were brought to him, living or dead, the Missouri guerrillas should take their chances as outlaws and be hunted accordingly. Equally with the indignation of the Federal general, was the indignation of the Missourians. Frank James, especially, was furious. Before Palmer even knew of the outrage, James had taken William Hulse with him, and had struck and followed rapidly the trail of the scoundrels. On the Chaplain river, above Chaplaintown, and after a sleepless hunt for two days and nights, the guerrillas came upon their prey. One was a Kentuckian named Brothers, and the other a nondescript called 'Texas;' his proper name was probably Jonathan Billingsboy.

"These two desperadoes had been joined by a third, who, while he was in no manner connected with the out-

rage, would, probably, in a fight, make common cause with his companions. 'There are three,' said Hulse, when the trail had ended at a house, and when a further reconnoissance revealed the fact that none of them had left it. 'Yes,' replied James, 'there are three. If there were six, it would not matter.' They dismounted and tied their horses in some timber back from the dwelling, and then gained it unobserved. Those whom they sought were at dinner, armed, but indifferent.

"Throwing back the door of the dining-room uncere-
moniously, the two guerrillas strode in, wrathful and
accusing. Frank James, always one among the coolest
and deadliest among the fighters known to the border,
called out in a singularly placid, yet penetrating, voice:
'Keep your seats, all of you; keep your hands up; keep
your eyes to the front.'

"Two sat stone still, scarcely breathing, hardly lift-
ing or letting fall an eyelid. Brothers, desperate even
in an extremity such as this, snatched swiftly for his
pistol. Frank James blew his brains out across the
table. The other two did not move. Hulse covered
both, but did not fire. He did not know the man called
Texas, and he would not kill an innocent man. Texas,
however, was not one of the party, nor had he been with
Brothers since the outrage. When this was ascertained,
Frank James spoke to Hulse: 'Our work is but half
done; let us go and finish it.' It was twenty miles to
Alexander Sayer's house, and these two men rode the
distance rapidly.

"They desired to find as soon as might be the trail of
the second scoundrel, no matter how cold or indistinct.
Others of his comrades had been ahead of him, as
swiftly as he had ridden, and Texas had shared the fate of
Brothers. Captured by John Ross, Henry Porter and
Allen Parmer, he had so vociferously defended himself,
and so eloquently pleaded his own innocence, that these
three intrepid men—unable through the very excess of
those soldierly qualities which had made them desperately

brave, to understand how it was possible to commit such a crime—listened rather favorably to his protestations, and permitted him to retain his pistols, and ride leisurely along with them to the house of Benedict Pashe. Mr. Pashe would establish his innocence beyond all controversy. Mr. Pashe knew of his immediate whereabouts the day Brothers did his devil's work, and Mr. Pashe would make his *alibi* impervious to assault. Mr. Pashe never had an opportunity to say to the plausible story 'yea' or 'nay.' While yet distant from his house a mile or more, Texas broke away from his accommodating captors, and fled like an Arab. Better mounted than either Ross or Parmer, Texas soon outstripped them, untouched by the bullets sent after him, and would have escaped altogether if the speed of the start had been joined to the bottom of Parmer's horse. A gallop of a mile, however, told the story of the chase. Texas was a thorough cavalryman, though a born robber. He knew by the laboring breast of his steed, the reeling stride, the foam of an unnatural perspiration, the uncertain way the feet took hold of the ringing turnpike, the almost human agony the faithful animal manifested over its own failing powers, that the end was nigh at hand. He looked back once, as he crowned the crest of a sudden hill, and saw Parmer, fixed as fate in the saddle, and as immovable, gaining upon him hand over hand. There was one resource left, common alike to the ant or the elephant—he could fight. He halted his blown horse, and turned about. Parmer came right on, a pistol in his right hand, and the reins well gathered up in his left. At fifty paces he fired at Texas and missed him. Texas stood fast, his face wearing a hunted look, and his eyes wolfish. At thirty paces the two fired simultaneously, Parmer missing again, but Texas wounding his horse severely, if not fatally. Parmer lessened the distance by a spur stroke, and fired the third time at Texas, barely ten feet away. This time he did not miss. Game to the last, Texas, even as he reeled in the saddle, gripped his own horse

with his knees, steadied himself for a moment or two, and fired twice at Parmer before he fell. He had been hurt, however, too badly to be accurate. Another bullet in the breast finished him. As he lived, so had he died, a bad, stoical, unrepentant man. The bodies of both Texas and Brothers were carried by the Federals into Bardstown, and identified by Mrs. Clark as the bodies of her assailants. Justice was satisfied, and Palmer was appeased.

“ . . . Henry Porter gathered hurriedly together the remnant of Quantrell's torn, scarred and decimated guerrilla band, just eighteen in all, and surrendered them at Samuel's Depot, Nelson county, July 25, 1865.”

I limited my order to Nelson county, in order that the innocent might not be punished, but I determined that the guilty men should be captured or killed, and the guerrillas did the work, as has been stated by Edwards, for me.

One evening in March, 1865, a gentleman from Elizabethtown called upon me at the Louisville Hotel, and told me that “Sue Mundy” (Jerome Clark), Magruder and Medkiff were concealed in a barn about ten miles from Brandenburg; that Magruder had been wounded in some one of his numerous fights. I immediately made arrangements to capture them. I sent a company of Wisconsin infantry on the night boat to Brandenburg, to go from that place and surround the barn, capture the guerrillas and bring them to Louisville. When the company reached the barn, the guerrillas made a desperate defense. It is not true that they surrendered as prisoners of war. The Louisville Journal said, “We rejoice at the capture of the cut-throats, and freely say that the planning of the expedition reflects credit upon the officers connected with it.”

They were all brought to Louisville, tried, and sentenced to be hanged. The case of Magruder drew upon my feelings heavily. Mundy (or Clark) and Medkiff cost me no effort to order their execution. Magruder's

mother visited me at my headquarters, and besought the life of her son. I was compelled in answer to her importunities to get the record of the proceedings before the military commission, and read to her the testimony of witnesses, which showed that a young man who had belonged to the 15th Kentucky had served three years, and was honorably discharged, and had been shot by Magruder under aggravated circumstances. The father of the young soldier had been taken sick and died. The mother withheld all knowledge of his illness from the son until his death, when she telegraphed for him to return and attend his father's funeral, which he did, and meant to return to Louisville in the evening by train from Nashville.

Unfortunately, Magruder had heard of his arrival in town, Nicholasville, went to the house, took him a short distance from home, and shot him to death for no other offense than that he had served in the Union army. I told Magruder's mother that if human justice meant anything, her son must die. I was afterwards visited by Governor Bramlette and General Walter C. Whitaker, who sought to interpose to save the life of Magruder, and recommended the commutation of his sentence; but I told him that I had refused to grant a commutation to his mother, and that the agony was over. Magruder was executed, his remains taken to his home, and I was told that more than a thousand persons attended his funeral.

The case of Jim Davis was a most remarkable one. He was the son of a widow in Jessamine county. He had gone to Lawrenceburg, in Anderson county, with his associates, taken three negroes out of jail, where they had been confined for "going at large and hiring themselves out as free persons," and held them under the ice in the Kentucky river until they were drowned. He had been concerned in other murders, was tried by a military commission, and sentenced to death.

I addressed the following letter to the adjutant-general U. S. A. :

“SIR—I have the honor to forward to your office, for the information of the president, abstracts of the record of the military commission convened in this department for the trial of Samuel O. Berry, citizen, and the order approving the findings, and for his execution on the second day of March prox. Since the abrogation of martial law, it may well be doubted whether a department commander has the authority to order the execution of this sentence. I have the honor to request the order and direction of the president in the premises.

“Respectfully,

“JOHN M. PALMER.

“LOUISVILLE, KY., *February 15, 1866.*”

I had, on February 2, 1866, reported to the adjutant-general of United States Army the papers in the case of Jim Davis, and called the attention of the secretary of war and that of the president to his case. “Davis is beyond question one of the worst men which the troubles in this state have brought into notice, as will be seen by the inspection of the record of his case now in the bureau of military justice; was tried before an able and impartial military commission, and sentenced to death, but, upon the application of friends, was respited indefinitely by the order of the president.” “The evidence in the case of ‘One-armed Berry,’ a notorious guerrilla now on trial here, connects him with many crimes, including murder. Davis has been many months in prison here, and is so still. I have the honor to request that some final order be made respecting him, and if his sentence be commuted to imprisonment, that he be confined in some other state. I think the courts here will discharge all military prisoners, even those confined in the penitentiary of the state under sentence, as soon as the writ of *habeas corpus* be restored.”

I had approved the sentence of Samuel O. Berry by an order dated February 28, 1866, which directed his execution on the following Friday. On Monday preceding the Friday on which he was to be executed, two ladies called upon me, and introduced themselves as Mrs. Smith and Miss Bailey, and requested to see Berry. I said to them: "Ladies, are you relatives of his?" They said they "were not." I answered: "I have a rule which I cannot violate; that no one can see prisoners, who are under sentence of death, other than their relatives or clergymen." One of them said: "You make no difference on account of sex, do you?" And I asked: "Are you religious teachers?" They answered: "We are Spiritualists." I said to them: "Ladies, you will not tell the poor fellow that he will not be hanged on Friday, will you?" They said they would not.

In the afternoon of the same day, they came to my headquarters, and told me they "had seen Berry's mother with a rainbow about her head, and that she had told them, and they told him, that he would not die on Friday." I replied: "Ladies, if anything in human affairs is certain, Berry will be hanged on Friday. I think you have treated me badly." On the Wednesday afterwards they returned and asked to see Berry. I refused them, and they went away.

Soon afterwards one of the guards of the prison came with a written request from Berry that he might be allowed to see Mrs. Smith and Miss Bailey. It seemed to me hard that he should not see them once more, and I consented. The ladies again called upon me, after seeing Berry, and told me again that he would not die.

On February 21, 1866, an order was issued from the adjutant-general's office commuting the sentence of Harvey Welles, *alias* Wm. Henry, *alias* Jim Davis, to ten years' confinement at hard labor in the penitentiary at Albany, New York.

Davis was a worse man than Berry; I felt that he had owed the commutation of his sentence to the interfer-

ence of influential friends, and was indignant that they should have arrested the sentence of death, for I felt that he deserved it. In consequence of the direction of the president the war department issued the following order :

“General Court-Martial Order No. 21. Subject to the approval of President of the United States, the sentence of death in the case of Harvey Wells, *alias* Wm. Henry (who was convicted under the name of Jim Davis), as promulgated in General Court-Martial Order No. 51, War Department, Adjutant-General’s Office, Washington, D. C., February 21, 1866, is commuted to ten years’ confinement at hard labor in the penitentiary at Albany, New York.”

When I received the order commuting the sentence of Davis, I issued the following order :

“General Court-Martial Order No. 19, February 28, 1866, from these headquarters, is hereby revoked. Subject to the approval of the President of the United States, the sentence of death in the case of Samuel O. Berry, as promulgated in General Court-Martial Order No. 11, February 10, 1866, from these headquarters, is commuted to ten years’ confinement at hard labor in the penitentiary at Albany, New York. By command of

“GENERAL JOHN M. PALMER.

“E. B. HARLAN, *Captain and A. A. G.*”

And I sent by the same guard both prisoners to the Clinton prison, at Albany, New York. I had not the slightest purpose of saving Berry until I received the order commuting the sentence of Davis. I felt that both of them deserved death. The spiritualist ladies, Mrs. Smith and Miss Bailey, called upon me after I had commuted the sentence of Berry, and were kind enough to say to me that “the spirits knew much more than I did,” and the spiritualistic circles about Louisville were greatly confirmed by the incident I have before mentioned.

Another incident, which occurred in Kentucky, may illustrate the swaggering ways of the guerrillas, and the dread which the people felt for them. It was reported to me that a man living on the Bardstown road was feeding guerrillas, and I instructed Captain George Green, chief of my defective force, to arrest him the first time he came into the city.

He was arrested and brought before me. I said to him: "Doctor," for he was a physician, "I understand that you have been harboring and feeding guerrillas." He replied: "Yes, I fed Captain Marion, as he called himself, and four or five of his men, on the Fourth of July." I said: "Well, you have confessed the charge, and I will order you to the military prison." He said: "General, let me tell you the circumstances: I live on the big road, and have a lawn in front of my house, and on the Fourth of July, 'Captain Marion' opened my front gate, rode up to the house, and said: 'We want dinner.' I said to him: 'My wife and I are the only persons at home; the servants have all gone to a Fourth of July, and my wife is not in the habit of cooking, and I hope you will excuse me.' Captain Marion said, 'We want dinner, and we want it quick,' with an oath. I said, 'Gentlemen, light, and come in, we will do the best we can for you.' They then asked, 'Can you feed our horses?' I answered, 'If you will take your horses around to the stable, there is plenty of corn and fodder, you are welcome to do so.' His reply was, 'Bring the corn and fodder around here, take off the bridles, and feed them on the grass.' I did so. My wife when she has a mind to be so is a good cook, and got dinner for them in a hurry; I don't think she would have done it for you. When the gentlemen sat down to dinner Captain Marion said, 'Have you anything to drink?' and I said, 'Well, my wife has a few bottles of native wine that she made herself, but she is stingy of it.' He said, 'Bring me a bottle of it,' and struck off the neck of it with a bowie knife. Then said, 'It's pretty good,

let's have two or three bottles of it.' After they had dined the captain said, 'Have you any cigars, bring them along.' And I said, 'Gentlemen, I have a few in a box.' He approved them, and said, 'Boys lets take three or four of them,' and they did so. When they mounted their horses on going away the captain said, 'If you tell the Yankees that you have seen us we will come back and burn your house.' " The doctor's manner was so sincere that I believed every word he said, and told him that I would have fed the guerrillas myself under similar circumstances. The doctor did not go to prison.

I tendered my resignation as major-general of volunteers on February 19, 1866, and asked to be relieved from the command of the Department of Kentucky on April 1, 1866. When relieved of the command of the department, I returned to my home at Carlinville, Illinois, and soon afterwards formed a partnership with Mr. Milton Hay, of Springfield, in the practice of law. When I retired from the army I found that Dr. Benjamin F. Stevenson, who resided in Springfield at the time, was engaged in the preparation of a ritual for an organization which he proposed to call the "Grand Army of the Republic," to be composed of soldiers of the civil war. The plan of such an organization met with favor from all the military people of the city, and it at once became popular. It seems that Dr. Stevenson, in conjunction with Chaplain William J. Rutledge, had conceived the plan of organizing the honorably discharged soldiers into a society, and as both had belonged to the 14th Illinois Infantry, Dr. Stevenson as surgeon and Mr. Rutledge as chaplain, I was consulted about the ritual and approved it.

On July 1, 1866, while engaged in a trial in the Circuit Court of the United States I was peremptorily ordered to Washington by Mr. Stanton, secretary of war. Upon arriving at Washington, I was ordered to proceed to Raleigh, North Carolina, to preside at a court

Adjutant General's Office,

Washington, Aug 20, 1866,

Sir:

Your resignation has been accepted by the
President of the United States, to take effect the
First day of September 1866

I am, sir, very respectfully,

Your obedient servant,

H. Keldon

Assistant Adjutant General.
(61.)

Major General John M. Palmer,

et. S. Volunteers

Carlinville

Illinois

martial for the trial of the officers of the Freedman's Bureau.

I spent the Fourth of July at Richmond, Virginia, and witnessed the rejoicing of the late slaves over their emancipation. I took the cars next morning and arrived at Raleigh the same evening, where I organized the court and proceeded to business.

On the 12th of July, during my absence from home, I was elected commander of the new organization, and was informed of my election while at Raleigh by a letter from Governor Oglesby, who was connected with the organization.

I was much disappointed over the non-acceptance of my resignation by the secretary of war, but Mr. Stanton informed me that he had kept me, an officer of rank, for court martial purposes, but if I would go to Nashville, Tennessee, he would accept my resignation on the first of September.

While in Washington, upon my return, I called upon General Grant, who was in command of the army, and he offered to recommend me for an appointment in the regular army as brigadier-general, which I declined, telling him that I would rather be a police magistrate of the town in which I lived than a brigadier general in time of peace; but I told him that I would give him ten thousand dollars for his first year's salary as president of the United States. He also declined my offer, the salary was then twenty-five thousand dollars a year. On my return to Illinois, I resumed the practice of law with Mr. Hay, and in April, 1867, removed my family to Springfield, where I have resided ever since.

In November, 1868, I was elected governor of Illinois, which dissolved my partnership with Mr. Hay. Our partnership was a most agreeable and profitable one. He was a great lawyer and an honest man; his logical power was unsurpassed by any one with whom I have ever been associated. We tried many causes of great importance.

CHAPTER XXI.

Inaugural address—Condition of the times—Change in situation of North and South—Democratic party—Railway corporations—Governor Oglesby—Public schools—Incorporation laws—Veto—Local taxation—Lake-front bill and veto.

I am now about to enter upon a period of my life which is so near to the present time that I will not be able, with a just regard for the feelings of some who are living, or to the memory of the dead, to write with the same freedom that I have felt in the narration of the events less known, or that occurred before and at a more distant point of time.

I had been elected to the office of governor of the State of Illinois at the preceding state election, by a majority so large that I could not doubt but that I had the personal confidence and respect of the people of the state. I had lived in Illinois since my boyhood and watched its advance in population, in wealth and intelligence; still, it was not the Illinois I had known from 1831, until I left the state with my regiment, in 1861. From 1831, until the time I have mentioned, the people were poor, but contented; and, though property was of small value in the currency which was supplied by local banks of this and other states, the people of Illinois were practically without money. I remember that when I left home for the army I had in the bank at Carlinville, where I lived, nearly three hundred dollars in gold; it was worth some one hundred and twenty, and rose to two hundred and forty, as compared with the bills of the banks and the government issues, which were called "greenbacks."

I had left home in May, 1861, with about seventy-five dollars of the bills of the banks organized under the state laws. I had ordered a uniform at Jacksonville, after I took command of my regiment, at a cost of some forty

dollars ; in a night, the bills became so depreciated that they were not worth the price of the uniform. At the time of my leaving home for the army, the Rebels were exhibiting great activity, and, in the minds of many thoughtful men, the Southern Confederacy was already established and the Union dissolved. I did not myself feel the greatest confidence in the ultimate success of our intended efforts to suppress the rebellion. The indifference of many and hostility of some of my acquaintances made me apprehensive that, before the struggle would end, even Illinois might be the theater of civil conflict. But, now that the war was over, all its just objects were accomplished, and the Rebels had submitted to the Union army and slavery was abolished, it seemed to me that the country should henceforth be governed by the principles of the federal and state constitutions, and that the rules of orderly and good government should again prevail. I have no doubt but that, in point of sentiment, the feeling in that direction was general ; but, as a matter of fact, there was then no organized public opinion capable of demanding the return to constitutional government, or a return to the habits of economy and honesty which, up to the beginning of the civil war, characterized the American people.

There was at the same time a complete change in political, social and financial power between the two sections of the Union. Before the war, the "South" dominated the government, and its social ideas influenced all sections of the Union. Its condition was now changed ; its power was overthrown ; its people were humbled by defeat, and were humiliated by poverty ; its political ideas were odious, while the North had in turn become prosperous and arrogant. The people of the Northern states, feeling that they were in possession of the Federal government, feared nothing for themselves and regardless of the facts of history, that "precedents of despotism become public law and in progress of time are turned against the authors."

When I speak of the eagerness of the people to employ despotic measures against the people of the subjugated states, I, of course, refer to the dominant element of the Republican party; the Democratic party, which then represented only a minority in the Northern states, was disorganized, and had neither the resolution nor the force to resist the obvious tendency of the radical Republican party policy.

As I have elsewhere stated, the Democratic party was placed in a false political position by the fatal mistake of Douglas, in his attempt to repeal the Missouri Compromise. He mistook the state of public sentiment in both sections of the Union.

The feeling of hostility to slavery in the free states, which had been so long repressed, upon the repeal of the compromise of 1820, burst forth with a vehemence that astounded the country, while the pro-slavery sentiment which then controlled the politics of the South, blind to the future, became more exacting and defiant. The Northern Democracy suddenly found itself between two determined forces, and vainly attempted to find some common-ground of compromise.

Mr. Douglas attempted to interpose between the exasperated parties the specious theory of popular sovereignty, as applied to the territories. Popular sovereignty, as interpreted by Mr. Douglas, proposed that the people who settled the new territories, should at some time settle the question of the entrance of slavery, for themselves, but, in the meantime, it conceded the right of citizens of all the states to remove into the new territories, and carry with them their property and hold slaves, if slavery was lawful in the states of their former residence. He claimed, that notwithstanding the immigrants to the territories from slave states had the right to remove to the territories with their slaves, and hold them there as slaves, and the settlers would have no constitutional right to prohibit slavery, still they might in effect repel slavery by "unfriendly legislation." The

theory of Mr. Douglas was no doubt unsound in principle and incapable of practical application. It was denounced by the radical parties of both sections, and the election of Mr. Lincoln in 1860, left the Democratic party in the North without rallying principle, and completely helpless. To add to the difficulties of the Democratic situation, it was the misfortune of the party, that in the presidential canvass of 1868, it had, in violation of its traditional principles, committed itself to the plan of discharging the national debt in legal tender treasury notes, to be issued by the treasury of the United States for that purpose. It proposed to impose taxes upon the bonds issued by the United States, either to borrow money for the purposes of war, or to fund the issues of depreciated legal tender notes. This measure, which was a violation alike of the public faith and of sound financial policy, had, in the public judgment, something of the appearance of repudiation.

Under those circumstances I saw but little prospect of support in any effort I might make in the direction of recovering for the state its former dignified relation to the government of the Union, but at the same time I was so well convinced, both by reasonings that seemed to be unanswerable, as well as by the experience of all ages, that unless the principle that the states are sovereign within their sphere, and that their rightful powers are original and inherent and their exercise is in no sense dependent upon the consent of the federal government—I determined to assert these propositions in my inaugural address.

The subject of the proper government of railway corporations at the time occupied a large share of public attention. The projectors of railways had in many instances taken advantage of the eagerness of the inhabitants of many of the counties, cities and towns of the state, to obtain the facilities which they expected from the construction of railways, and had obtained large local subscriptions to their capital stock which in some

cases was wasted, or lost by bad and reckless management, and donations were made by municipal bodies directly to such corporations, in aid of the construction of their roads, until there was, in fact, but few important points in the state not touched by railroads which connected them with the important markets of the country ; and many other roads were contemplated, which projectors really intended to construct at the expense of the localities interested, and their disregard of the claims of the local bodies, and by some device deprive them of all interest in the railroads, which were in fact built with the money they had furnished.

The railway corporations had obtained liberal charters from the legislatures, which included, among other powers, that of fixing the rates to be charged for their service as carriers. They claimed that in that and in some other important respects, their powers were absolute and uncontrollable by any or all the departments of the state government ; and in support of that claim, they insisted that all the provisions of their charter were contracts with the state, and then, relying upon the celebrated Dartmouth College case, they could not be impaired by state action.

I determined that I would in my inaugural insist upon the right of the state to regulate and control such corporations, and in that way bring to the attention of the legislature, and the people, my own opinions upon the power of the states with respect to corporations created by their own authority, and also repeat and vindicate the theory of the inherent, independent and indestructible nature of the powers of the states.

I assumed the duties of the office of governor of Illinois on January 11, 1869, and delivered my inaugural address in the presence of both houses of the general assembly in the hall of the house of representatives. It was to me a source of peculiar pleasure that the oath of office was administered to me by Hon. Sidney Breese,

then chief justice of the supreme court of the state, and for whom I have already expressed such regard.

In my inaugural, it was but natural that I should refer in complimentary terms to my retiring predecessor, Governor Oglesby.

Our friendship, which commenced in 1858, had been intimate and close, and his message, which had been transmitted to the legislature at the beginning of the session, covered the whole ground of executive duty.

I said: "I cannot better discharge my duty to the people than by urging upon your attention the information and the measures recommended by the experienced and patriotic statesman who now retires from the executive office which he has filled with such advantage and credit to the state." I also alluded with satisfaction to the large reduction and the prospect of an early extinguishment of the state debt, and said: "The greater part of which was contracted many years ago, and for objects that totally failed of advantage, is now nearly extinguished. It is to the lasting honor of our people that they have not permitted their integrity or good faith to be doubted, and now that the debt is almost discharged, we may profit by the experience of the past, and avoid impossible burdens upon those who will succeed us."

"It cannot be too often repeated that the proper policy of states, as well as individuals, is best expressed in the maxim, 'pay as you go.' Loans or other methods of anticipating the public revenues are deceptive, and in practice burdensome and oppressive. By this means, the actual expenses of the government are successfully concealed from the people, and their consent obtained to enterprises of such doubtful propriety that they would have been promptly rejected by them, if they had been submitted with a proposition to raise at once by taxation the money needed to insure their success."

I alluded, in terms of the highest approbation, to our system of public schools and to our benevolent establishments, and, aware of the possibility of their man-

agement, I urged upon the legislature the duty of subjecting them to the strictest and most searching investigation. I alluded to the jealousy of the framers of the constitution of 1847, of corporations, and mentioned the fact that special legislation was then regarded as anti-republican and dangerous to the liberties of the people, and said: "It would be an interesting and instructive employment to investigate the extent and variety of the objects for which incorporations have been created by special laws, and of the powers conferred upon them. It is enough, for illustration, to say that to meet the demands of this interest, many of them are exempted from the operations of the general laws of the state, those, too, most useful and necessary. Others are protected by special statutes bristling with penalties. . . . As it is at present, citizens engaged in the ordinary pursuits of business are sometimes startled to find themselves in competition with corporations possessed of large capital, who are relieved by one class of laws from burdens which they must bear, and aided by legislation from which they can derive no benefit." . . . "It certainly will not be regarded by the general assembly of the State of Illinois unreasonable to claim for every citizen of the state equality before the law. To secure this, it is, in my judgment, of great importance, that the general incorporation laws now in force can be revised and others enacted at an early day, not only that the policy of the state may be carefully settled with respect to the objects for which corporations will be permitted, but the powers of all of each class may be well defined and equal. And such general acts should repeal everything in any special law contrary to this provision."

In speaking of the railroad corporations, I said: "It cannot have escaped the attention of the general assembly, that the people expect that more than ordinary attention will be given at the present session to the adjustment of many questions which grow out of the rela-

tions of railroads to the business of the people of the state," and added what I then and now believe to be true: "It is not certain that all real grievances of this kind may not be amply redressed by the proper application and enforcement of existing laws." I then asserted that the right of the railroad corporations to carry passengers and freight was incidental to their right to construct and operate their roads, but I added: "Fixed tolls are permitted, not to authorize unreasonable rates to be demanded, but that reasonable charges may be conveniently ascertained and collected, while the whole matter must, in the nature of things, be subject to the final control of the state."

But that part of the inaugural address which excited most comment, and from many of my political friends most censure, was that "one of the most unhappy results of the great conflict through which the nation has just passed, is the confusion produced in the public mind, as to the relative powers and duties of the national and state governments.

During the war for the overthrow of the most extensive and completely organized rebellion which is known to history, the powers of the national government, and the people who adhered to it, were tested to the utmost. It was natural and proper that under the stress of the contest the people, in view of the paramount interests involved, should disregard what were in comparison mere forms, and demand of the national government the exercise of every power which could be employed for the attainment of the objects of the struggle. Now that the war is ended, and all proper objects attained, the public welfare demands a recurrence to the true principles that underlie our system of government, and one of the best established and most distinctly recognized of these is, that the federal government is one of enumerated and limited powers. It is one of the enumerated powers of the federal government to regulate commerce amongst the several states, . . . and

from this grant of power an attempt is made to infer that of creating corporations, with the power to enter any of the states, take private property for public uses, and prosecute corporate enterprises, regardless of state authority.

The correctness of this inference is not admitted, but if it was conceded to be just, in view of the embarrassments it would create, the power ought not to be exercised. Such corporations would embarrass the operation of those already created by the states. They would be exempted from taxation by state authority; in short, the state would have no power by taxation or otherwise to retard, impede, burden, or in any manner control the operations of such incorporations. It is essential to the usefulness of the state governments that their just authority should be respected by that of the nation. Perhaps the expression which gave most offense to the radical leaders of the Republican party was that I said: "Already the authority of the states is, in a measure, paralyzed by a growing conviction that all their powers are in some sense derivative and subordinate, and not original and independent.

"The state governments are a part of the American system of government; they fill a well-defined place, and their full authority must be respected by the federal government, if it is expected that their laws will be obeyed." It was no part of my purpose, in the use of the language quoted from my inaugural address, to antagonize my party friends. I used the language of John Marshall, who had done more to give practical effect to the federal constitution than any, or all other persons, and I had spent more than five years of my life in asserting and maintaining that the national constitution, and the laws made in pursuance thereof, were the supreme law of the land, anything in the constitution or the laws of any one of the states to the contrary notwithstanding. I felt then, as I do now, that the civil war had not altered the constitution or enlarged the

powers of the government created by the constitution, except to the extent of its express amendments.

It ought to be taken into the account, that, from February 18, 1865, until about May 1, 1866, I had commanded the Department of Kentucky, under martial law, when the authority to the military commander was practically absolute. I know that I exercised the power with which I was intrusted with the single purpose of suppressing the crimes which attended and followed the civil war, and establishing peace and order in the department which was under my command ; still, under the anomalous circumstances which surrounded me, I was compelled to do many arbitrary things dictated by the necessities of the situation.

I was, therefore, eager to re-establish and maintain orderly, constitutional government in Illinois, as well as elsewhere ; and I reassert, with emphasis, the principles which I regarded as essential to the maintenance of popular rights. It was then, as now, my belief that the powers of the states are original, and I intended to oppose a belief, then much more prevalent than it is at present, that all political power ultimately resides in the government of the United States.

My language excited some criticism, but, having taken my ground, I ignored what was said, with indifference.

I have elsewhere observed that the legislature, under the constitution of 1847, had gradually encroached upon the other departments of the government, until it had become the supreme power in the state.

Under the constitution of 1818, the veto was lodged with the governor and the judges of the supreme court as a council of revision, but a majority of the members elected to the two houses respectively could pass a bill, notwithstanding the objections of the council.

The constitution of 1848 gave to the governor alone all the powers of the council of revision, but it provided that a majority of the members elected to the senate and

house of representatives could pass a bill, notwithstanding the objections of the governor.

In my inaugural address, I referred to special legislation as one of the evils of the times; I said: "It was the expectation of the framers of the constitution that liberal laws would be adopted by the general assembly of the state under which incorporation for all useful objects could be formed—with uniform, adequate, well-regulated powers; and it was reasonable to suppose that the general assembly, in digesting a system, would be careful to impose such proper and reasonable limitation upon corporations as would effectually secure the rights of the people.

"It has been impossible to sufficiently attend to these special considerations in the thousands of special laws with which our session volumes are enlarged beyond all former precedents."

The session of 1869 went beyond all of its predecessors in the matter of special legislation. Three ponderous volumes of twenty-eight hundred pages were necessary for the publication of its special laws, while a book of but four hundred and eighty pages contains all that can be called general legislation. Acting upon my own views of the duty of the legislature to observe the rules prescribed by the constitution, I was compelled, during the session, to return to the house, in which bills originated, a large number of bills which were violations of some of its plainest provisions. One of the first bills to which I refused my assent was "An act to authorize the city of Bloomington to issue its bonds and levy a tax for the purpose of paying for the grounds purchased in said city by the Chicago and Alton Railroad Company for its machine shops." It appeared that, some time before the passage of the bill, Judge Davis and some other citizens of Bloomington had promised that, if the railroad company would buy the necessary land and locate the shops in Bloomington, the city should repay the cost of the land to the company, with ten per cent

interest. The bill required an issue of the bonds of the city and the taxation of the people to pay the sum of \$50,000, which was the alleged cost of the lands bought by the railroad company for its own purposes, with the interest thereon. I refused to approve the measure upon the ground that the legislature had no constitutional power to compel the people of Bloomington to submit to a tax to raise money for these, which I held to be purely for private purposes.

The bill was passed, notwithstanding my objections, and was followed by other bills of like character, amongst others, "An act to legalize the issuing of bonds by the city of Kankakee to aid the "Douglas Linen Company," "an act authorizing the city of Canton to subscribe to the stock of a hotel company," "an act to authorize the city of Shelbyville to raise money by a special tax to invest in the bonds of the Shelbyville Coal Company." Other bills of a like character were passed, from which I was compelled to withhold my approval.

One of the bills passed by that legislature was entitled "an act to amend the charter of the town of Golconda," one of the sections of which imposed a penalty of one dollar per day upon each person bound to labor upon the streets of the town, and made the neglect or refusal to pay the fine a misdemeanor, and subjected the defendant to an indictment, and upon conviction to a fine of not less than ten dollars and imprisonment in the county jail for not more than thirty days. I said in my veto message that "the bill is contrary to the principle of humanity and justice, and makes no distinction between poverty and inability to pay and willful disregard to duty."

Perhaps my message of April 14, 1869, returning a number of bills to the senate, with my objections, will afford the best proof of the recklessness of the legislature.

"Senate bill No. 652," "an act in relation to the Hamilton, Lacon and Eastern R. R. Co. and the local

taxes thereon in the counties of Livingstone, Lasalle and Marshall." I said in my message, "This bill provides that all the property, real and personal, belonging to the corporations named in the title shall be taxed in the same proportion as other property in the counties, towns, cities, townships and districts through which said road may pass, and all taxes so levied, except state taxes, shall be paid by the said railroad company on the entire line of road direct to the counties, cities, towns and townships which shall have subscribed to the capital stock of said company in proportion to the amount they may have severally subscribed." I said, "It is not competent, in my opinion, for the general assembly to apply local taxes levied by the authority of counties and other municipal corporations upon property within their corporate limits to the use of other counties and corporations. No principle is plainer and better settled than that taxes cannot be levied upon the property of one local corporation for the benefit of another." In reference to "Senate bill No. 485," "an act to make township 17, range 10 west, to subscribe to the capital stock of the Peoria, Pekin and Jacksonville Railroad Co.," I said, "The object of this bill is to authorize the inhabitants of a congressional township, in a county not under township organization, to subscribe to the capital stock of the corporation named in the title of this bill. This township has no municipal organization, no official machinery by which it can do the act proposed. By itself it has no powers and owes no duties of a municipal character, and with respect to public enterprises like this, its inhabitants are mere private persons and cannot be compelled to take stock in a railroad company; cannot be separated from the county, make contracts, or be subjected to taxation, nor can the majority bind the minority, or charge their property for railroad purposes." Senate bill No. 479, "A bill for an act to incorporate the Peninsula Real Estate and Loan Company." I said, in my veto message, "This corporation

is created to buy and sell lands and speculate generally."

"Senate bill No. 219, an act to amend an act entitled an act relating to county and city debts and provide for the payment thereof by taxation in such counties and cities, approved February 13, 1865." This bill is of so much importance, being one of a class having for their ultimate object to fix upon the state the responsibility of providing for the payment of local debts, that it deserves the attentive reconsideration of the general assembly. I return it that the responsibility of such a radical change in the relation of the state to the indebtedness of counties and cities, may be assumed by the representatives of the people, if in their judgment such a change should be made.

"Senate bill No. 391, an act to incorporate the Fairfield Real Estate and Land Company." This bill incorporates an association for dealing in lands. "Senate bill No. 162, an act to amend an act entitled an act to incorporate the Cairo and St. Louis Railroad Company, approved February 16, 1865." "Section three of this bill proposes to authorize subscriptions by the trustees of schools in townships, in counties not under township organizations, to the capital stock of the company. For the reasons given for declining to sign Senate bill No. 285, I withhold my signature from this." . . . Senate bill No. 261, "an act to incorporate the Hilton Mining and Manufacturing Company." "The powers conferred upon the corporation created by this bill are enormous."

Acts were laid before me for the incorporation of the towns of Bethalto and of Venice, in Madison county, and of the city of Aledo, in Mercer county. These bills exempted certain farm lands within the limits of the corporations from taxation for municipal purposes, which was in violation of the state constitution. It would be tedious even to give the titles of the many bills from which I was compelled to withhold my approval. Some of them, like the House bill No. 161, authorized parts of

municipal townships to subscribe to the capital stock of a railway company. I quote from my veto message : "By the provisions of the first section of the second of said bills, the east half of the town of Fair Ridge, and west half of the town of Grand Rapids . . . all that portion of the town of Rutland, lying in township thirty-five, north, range east of third principal meridian ; all that portion of the town of Lena, described as follows : the east half of township thirty-five north range, five east . . . all that portion of the town of Aurora lying west of the east channel of Fox river ; all that portion of the town of Batavia lying east of the east channel of Fox river, were authorized to subscribe to the capital stock of a railroad company ; such districts had no municipal organization, and were parts of authorized and original townships."

Of necessity, I disapproved all such bills, although some of them were passed notwithstanding objections. There were, however, two measures of far more importance than any of those to which I have referred ; the first of these originated in the house, and was entitled, "An act in relation to a portion of the submerged lands, and Lake Park grounds lying adjacent to the shore of Lake Michigan, on the eastern frontage of Chicago ;" the other originated in the senate, and was entitled, "An act to fund and provide for paying the railroad debts of counties, townships, cities and towns."

It may be said with truth, that after these measures appeared, they influenced, if they did not control, all the legislation of the session. The first of these measures offered to confer upon the common council of the city of Chicago, three-fourths of the aldermen elect concurring, full power and authority to sell all the right, title and interest of the State of Illinois, in and to so much of fractional section fifteen in township 39 N. of range 14 E. of third principal meridian, in the city of Chicago, as is situated east of Michigan avenue, and north of Park Row, and south of the south line of Mon-

roe street, and west of a line running parallel with and four hundred feet east of the west line of Michigan avenue, being a strip of land about three hundred and ten feet in width, and that contains about thirty-two acres, and to apply the proceeds of any sale that may be made of said land to the purchase and improvement of parks in each of the three divisions of that city, in proportions to be ascertained by means provided by the bill. The bill also offers to confirm the right of the Illinois Central Railroad Company, under the grant from the state in its charter, and under and by virtue of its appropriation, occupancy, use and control, and the riparian ownership incident to such grant, appropriation, occupancy, use and control, in and to the lands submerged, or otherwise lying east of the said line running parallel with and four hundred feet east of the west line of Michigan avenue, in fractional sections ten and fifteen, township and range aforesaid; and further offers to the Illinois Central Railroad Company, all the right and title of the State of Illinois in and to the submerged lands constituting the bed of Lake Michigan, and lying east of the tracks and breakwater of said company, for the distance of one mile, and between the south line of the south pier in Chicago harbor extended eastwardly, and a line extended eastwardly from the south line of lot twenty-one, south of, and near the round-house and machine shops of the Illinois Central Railroad Company, in fee forever, upon condition that the fee of the property thus granted shall be held by said company in perpetuity, and the further condition that all gross receipts from the use, profits, leases or otherwise of said lands, or the improvements thereon, shall form a part of the gross proceeds, receipts and income of the Illinois Central Railroad Company, upon which said company shall forever pay into the state treasury, semi-annually, the per centum provided for in its charter, and upon the further provision that nothing in the bill contained shall authorize obstructions to Chicago harbor or impair the public right

of navigation, nor exempt the Illinois Central Railroad Company, its lessees or assigns, from any act of the general assembly which may hereafter be passed regulating the rates of wharfage and dockage to be charged in said harbor.

The tract offered to the Illinois Central Railroad Company extends along the shore of the lake for a distance of nine thousand five hundred and eighty feet, and contains a superficial area of about one thousand and fifty acres. In addition to the provisions of the bill already stated, it offers all the right and title of the State of Illinois in and to the lands submerged or otherwise lying north of the south line of Monroe street, and south of the line of Randolph street, and between the east line of Michigan avenue and the track and roadway of the Illinois Central Railroad Company, and constituting parts of fractional sections ten and fifteen, before mentioned, in fee to the Illinois Central Railroad Company, the Chicago, Burlington and Quincy Railroad Company and the Michigan Central Railroad Company, their successors and assigns, for the erection thereon of a passenger depot, and for such other purposes as the business of said companies may require, with the proviso that upon all the gross receipts of the Illinois Central Railroad Company from the leases of its interests of said grounds or improvements thereon or other uses of the same, the per centum provided for in the charter of said company shall be forever paid in conformity with the requirements of said charter; and it is further provided, that in consideration of the grant to the Illinois Central, Chicago, Burlington and Quincy, and Michigan Central Railroad Companies of the land aforesaid, the said companies are required to pay to the city of Chicago the sum of eight thousand dollars, to be paid in quarterly installments as stated in the bill.

This tract fronts on Michigan avenue for about the distance of thirteen hundred and thirty-two feet, and

runs back to the track or roadway of the Illinois Central Railroad Company three hundred and ten feet.

The bill, it will be observed, offers to the grantees of each of the parcels of property it describes a fee-simple title, and by implication asserts for the state a capacity to confer upon each of its proposed grantees the absolute ownership of the property.

The message then gave a history of the title of the State of Illinois to the lands granted to the railroads by the bill. It referred to the several acts of congress which granted certain of the public lands of the State of Illinois, in aid of the construction of a canal to unite the waters of the Illinois river with those of Lake Michigan, so that, by the approval of the president of the United States, fractional section fifteen, township thirty-nine, north of range fourteen, east of the third principal meridian, became the property of the State of Illinois for the purposes specified in the acts of congress dividing "the lands into lots, streets and alleys," and, on July 20, 1836, filed a plat of the same as required by the act providing for recording of town plats.

. . . The history of the tract of land described as a part of fractional section in township thirty-nine north range fourteen east is brief: The site of Fort Dearborn—it was separated from the bulk of the public lands of the United States by being reserved for military purposes. . . . Under the authority of the United States, it was laid out into blocks, lots, streets and public grounds as Fort Dearborn addition to the city of Chicago, and a map or plat of the addition was prepared, certified, and acknowledged and recorded in the recorder's office in Cook county on June 7, 1839, according to the laws of the state.

On this map, the lands described as from Randolph street to the center of Madison street is delineated as an entire tract, and upon the map of the addition as recorded is written, "Public ground, forever to remain free of buildings."

“From the foregoing account, it will be seen by the acts of the United States, the proprietor of the southwest fractional quarter of section ten, and of the State of Illinois, which was in the same legal sense, the proprietor of fractional section fifteen, all of the lands described in the first and fourth sections of this bill, extending from Randolph street, along lake shore to Park Row, were dedicated to public uses forever. . . . The State of Illinois and the United States, not as sovereign governments, but as the mere proprietors of lands to promote their own interests, in the sale of those lands, offered to the public, with their blocks and lots, the advantages of streets and avenues, and by such offers they are bound forever.

“But the effects of these acts of dedication by the State of Illinois and the United States, are different in respect to the subsequent power of either government over the dedicated property.

“The State of Illinois, after it parted with its beneficial proprietary title to the land dedicated to public uses, retained all its political authority over it, with the power to control and dispose of it, if necessary, for proper uses. . . . In this case, the United States, for a valuable consideration realized, in the form of an enhanced price for the adjacent and abutting lands, divested itself of the title to the tract marked ‘public grounds,’ by a complete and irrevocable act of alienation, and from that moment the dedicated lands became devoted to public uses, and like all other public property of the state, including that of section fifteen, dedicated by the canal commissioners, became subject to the paramount authority of the State of Illinois, to control the property, or dispose of it, subject to the obligations of good faith and justice, that it shall not be devoted to a use substantially different from that to which it was dedicated. . . . The power of the general assembly as thus stated, in view of the fact that the town of Chicago, since these dedications were made, has become a great

and flourishing city, filled to overflowing with a busy, industrious population, which, if gathered into these now straitened and confined public grounds, would perhaps cover every available foot within their boundaries, and that the commerce of thousands of miles of tributary country which centers there, is now clamoring for the whole lake front, from Randolph to Twelfth street, for its own useful, but unsightly purposes, may well be exercised to authorize the sale of these public grounds for their value for commercial and business uses, and the appropriation of the money realized from such sales to the purchase and improvement of larger and more convenient public grounds. . . . And the general assembly clearly appreciate the duty with respect to the property described in the first section of the bill, but in respect to that mentioned in the fourth section, one essential condition of the judicious and proper disposition of that portion of the public grounds which lie between the south line of Randolph street is, by the provisions of this bill, disregarded. The State of Illinois, in the administration of this trust, is bound by every consideration to exercise the utmost prudence and good faith ; and the obligations of prudence and good faith require that this property shall not be sold for less than its full market value.

“By the provisions of the fourth section of the bill, the land described as lying north of the south line of Monroe street, and south of the south line of Randolph street, and between the east line of Michigan avenue, and the track and roadway of the Illinois Central Railroad Company, is offered to the Illinois Central Railroad Company and the Chicago, Burlington and Quincy Railroad Company in fee, and in consideration of such grant, the companies above named are required to pay to the city of Chicago the sum of eight hundred thousand dollars, payable in four equal installments, at three, six, nine and twelve months, from and after the passage of the act, to be applied to the park fund of the city ; but

the sixth section of the bill authorizes the common council of the city to quitclaim and release to the railroad companies already mentioned, any and all claim and interest which the city may have in and upon said lands by virtue of improvements or otherwise, and in case the said common council shall refuse, for the space of four months, to quit and release the claims of the city to said lands, then the railroad companies are discharged from all obligation to pay the balance remaining to the city. I postpone the inquiry as to the true value of this property to consider this most extraordinary provision.

“By the fourth section of the bill, the railroad companies are absolutely and unconditionally invested with what is asserted in the bill to be a fee-simple title to all this property, to be paid for in quarterly installments of two hundred thousand dollars, the second of which falls due six months after the passage of the bill; but it is provided in the bill that if the common council shall not, within four months of the passage of the bill (and before the second installment falls due), quitclaim and release all the title and interest of the city and to the property, then the said companies shall be discharged from all obligations to pay the balance then unpaid to said city.

“By the bill the railroad company acquires a fee-simple title to the property. If the common council of the city, influenced by any motive whatever, shall decline for the space of four months to release and quitclaim the interests of the city, the said railroad companies are released from the payment of three-fourths (six hundred thousand dollars) the consideration, and yet remain, without any further payment of the price stipulated, the owners in fee-simple of this valuable property forever. . . . As has been said, in reply to this, that if the authorities of the city of Chicago declined to release the title and interest of the city in the property, that title and interest will still remain in the city; but if this bill effects what the State of Illinois professed by its language

to be able to do, and which, upon incontrovertible principles it can do, invest the Illinois Central Railroad, and other companies, with the title to the property in fee, what benefit will the public use to which the land is dedicated, derive from the continued retention by the city of its barren and profitless claims? There can be no well-founded doubt but that this bill, if it becomes a law, will vest in the railroad companies perfect title to all the property described in the fourth section thereof, and I am well satisfied that this bill, on account of the provisions of the fifth and sixth sections already mentioned, ought not to become a law.

“As I have before said, it is an essential condition of any proper disposition of this property that its full value shall be realized, and be applied to the acquisition of other public grounds. I am assured by the highest authorities upon the subject of the value of real estate in the city of Chicago, that the property described in the fourth section of this bill, and offered by the terms of that section to the Illinois Central Railroad Company, the Chicago, Burlington and Quincy Railroad Company, and the Michigan Central Railroad Company in fee, the sum of eight hundred thousand dollars (\$800,000), has a market value of two million six hundred thousand dollars (\$2,600,000).

“I have before me a communication from the board of public works of the city of Chicago, of date March 2, 1869, addressed to the Hon. John B. Rice, mayor of the city, in which the following language occurs :

“ ‘The value of the tract of land in question, that between Randolph and Monroe streets, and between Michigan avenue and the Illinois Central Railroad, the board estimates at \$2,600,000, as will be seen by the appended letter of several of the most prominent real estate dealers. This estimate is coincided with by them.’

“ . . . If the railroad companies named in the fourth and following sections of this bill require this property for the purpose of their business, under the circumstances that it is no longer useful for the purposes of its

original dedication, they ought to be permitted to take it upon the single condition of paying its fair market value. Such a proposition, coupled with the provision for the application of the proceeds to a use substantially the same as that contemplated in the original dedication, will meet my approval. . . . The Illinois Central Railroad Company, under an arrangement with the common council of the city of Chicago, acquired by the right to lay down, construct, and maintain, within the limits of the city, and along the margin of Lake Michigan, within and adjacent to the same, a railroad, with one or more tracks.

“By the ordinance of the city which conferred this privilege upon the Illinois Central Railroad Company, it was required to enter the city at or near the intersection of its south boundary with Lake Michigan, and following the shore on or near the margin of the lake northerly to the southern bounds of the open space, known as Lake Park, in front of canal section fifteen, to such grounds as said company may acquire between Randolph street and the Chicago river. And the said company was further authorized to enter upon and use in perpetuity for its said line of road, and any other works necessary to protect the same from the lake, a width of three hundred feet from the southern boundary of said public grounds near Twelfth street to the northern line of Randolph street, the inner or west side of the grounds to be used by said company to be not less than four hundred feet east from the west line of Michigan avenue and parallel thereto; and other privileges were conceded the Illinois Central Railroad Company by this ordinance that need not be particularly stated. . . . That which is described in the last clause of the third section of this bill as ‘the submerged lands constituting the bed of Lake Michigan,’ and by that description granted, in fee, to the Illinois Central Railroad Company, is indeed a part of the navigable waters of the lake. As I have stated, the superficial area of the tract

embraced in the descriptive words of the section, is about one thousand and fifty acres, covered by the waters of the lake to an average depth of sixteen feet, but in fact varying from ten to twenty-four feet.

“This tract is not ‘land’ in any technical sense, and has never been so treated by the United States or the State of Illinois. Like the soil beneath all navigable waters of the state, it belongs to the state as the sovereign, and does not pass by technical grant, but by law.

“This being the character of the interest of the state in the bed of navigable waters, the land is held subservient to the public right of navigation, and any guarantee of the state must take subject to all such servitudes, and every use of the property must be consistent with, or if not subordinate to, public rights.

“The importance of this property, in view of the uses to which it may and indeed must be devoted, cannot be easily estimated or overrated. Extending along the lake shore from the Chicago river for a distance of nearly two miles, and for a distance of one mile from the shore, it covers the great business center of the city. . . . Upon the authority of a distinguished engineer, there is nothing in the condition of what are known as submerged lands, described in the first section of the bill, to oppose a serious difficulty to the construction of a harbor, and it is capable of being made to afford seventy thousand lineal feet of dock front, each foot of the front to have three hundred feet in depth, including land and water; and it is probable that such property as this, with improvements that may be made at a cost of not exceeding two hundred dollars per front foot, including the expense of a substantial sea wall, would, at an early day, equal in value the best of that description of property in Chicago, which has already reached one thousand dollars a front foot; and much of it that has already reached that point is still advancing in market value.

“There are, I repeat, at this time no means in existence by which the value of this property can be fixed.

while its commercial importance is equally difficult of estimation.

“ . . . If these views are correct, then it becomes the more urgent duty of the general assembly to couple with any grant that is made to any parties, such restrictions as will, as far as human foresight and prudence can, protect the rights of the state and relieve the commerce that must pass through that channel from vexatious and oppressive burdens.

“This bill does not sufficiently secure these objects. It does not require the Illinois Central Railroad to do any act or thing with respect to the improvement of these navigable waters; but, worse than this, it deprives the State of Illinois hereafter insisting upon such improvements.

“ . . . There should be a distinct provision in any bill granting this property to the Illinois Central Railroad Company, that the property itself, and all the improvements to be made thereon, should be subject to state and municipal taxation.

“ . . . The public property proposed to be disposed of by this bill is of great value, and for myself I merely adopt and apply for my government the rules that I think would influence me if my duties with respect to this property were personal and not official:

“1. That as the objects originally contemplated in the dedication of the property in sections ten and fifteen to public uses, in view of the altered condition of things, are no longer attainable by its specific use, it may and probably ought to be sold and the proceeds applied to accomplish more effectually the purposes and objects to which it was dedicated.

“2. That in any alienation of the property by the state or under its authority, its full and fair market value should be required to be paid by the purchaser.

“3. That no ‘rights’ of the Illinois Central Railroad Company should be confirmed until fully defined and understood.

“4. That no grant shall be made of the submerged lands constituting the bed of Lake Michigan, which does not couple with the grant the condition that the work of improvement shall be commenced within reasonable time and prosecuted with good faith so as to meet the fair demands of business.

“5. That the right be reserved to the state, for the relief of commerce, to limit the net profits to be derived from any such works.

“6. That the state shall be entitled to receive seven per cent of the gross receipts from the property granted and from all improvements thereon.

“7. That the property shall be in all respects subject to taxation.

“For want of essential provisions, and such details as would give them effect, I return this bill to the house of representatives without my approval.”

The legislature of 1871 had passed an act to authorize the city of Quincy to create the indebtedness referred to in the twenty-fourth section of the schedule of the constitution, to provide for the payment thereof and validating acts of said city relating thereto, which authorize the city of Quincy to subscribe five hundred thousand dollars (\$500,000) to the capital stock of the Quincy, Missouri, Pacific Railroad Company, which was a Missouri corporation, and the railroad was altogether in the State of Missouri, “for which I was compelled to withhold my approval. I said in my message, “the legal effect of the portion of the bill thus quoted is to authorize the city council of the city to raise by taxation on the property within that city five hundred thousand dollars (\$500,000) to be paid over to an incorporation created by the State of Missouri, to be expended in the construction of a railroad in that state.”

“It seems to me that such a law is without a well-considered precedent, unsound in principle and in conflict with the constitution of the State of Illinois. Taxes are

charges or burdens imposed by the legislative power of a state, and in respect to taxation the powers of the general assembly are subject only to the restriction contained in the constitution and to the fundamental rule that underlies all republican governments, that they shall be imposed only for public purposes, and though the lines that divide public purposes, for which taxes may be rightfully imposed from those of a private character for which taxation is forbidden, are often so indistinct or doubtful that the judicial department has generally felt bound to accept the decision of the legislature; yet it is not necessary nor is it the duty of the governor, while in the exercise of his functions as an integral part of the legislative department of the state, under the constitution, to yield his own convictions upon the point of the true nature of a proposed tax to the views of the general assembly, as declared in a bill submitted to him for his approval. To him that question, as well as all others relating to the expediency or policy of any proposed law, is open; and if he for any reason does not approve the bill he is forbidden to sign the same, but *must* return it to the house in which it originated with his objections.

“The purpose for which it is proposed to impose this burden upon the inhabitants of Quincy is not *public*, when tested by the constitution of the State of Illinois or by the rules by which the true character of a tax is determined. Taxes for any general public purpose may be imposed by law upon the people of the whole state, but it is not within the power of the general assembly to impose the whole burden of a public duty upon any one—nor, indeed, upon any number—of its local subdivisions.

“If, then, it could be supposed to be the duty of the state to aid in the construction of public works within the limits of the State of Missouri, authorized by that state and carried on by its agencies, it would be necessary, under the constitution, that such aid should be afforded

from the general treasury, upon terms to be arranged and adjusted by the authorities of the respective states ; but under the provisions of this bill the people of one of the cities of this state are to be compelled to raise money by taxation, to be used by the agents of the State of Missouri in aid of a public work in that state. This burden is to be imposed upon the inhabitants of the city of Quincy by the general assembly of Illinois, without any provision for their rights or interests.

“But it is necessary, in order to render an imposition upon one of the cities of the state a legal tax, not only that it should be for a public purpose, but it must be for a public corporate purpose. The objects and purposes for which ‘municipal corporations’ are created are so well understood, that no more precise statement of them is necessary than is implied in the very name that is employed in the constitution to designate them ; and no taxes can be imposed exclusively upon property within their limits, except for purposes strictly local and corporate. The inhabitants of cities, considered as members of the state, or of the counties and townships in which such cities are situated, can only be taxed with and like other inhabitants of the state, or of the county, or of the township of which the city is a part, and for objects to which all other inhabitants of the same districts are bound to contribute ; but taxes can be imposed upon the inhabitants of cities, as such, for objects that concern the city alone ; and it is not one of the corporate duties of the city of Quincy to raise money by taxation to be paid to agencies created by the State of Missouri, to be employed in the construction of highways or railways in that state.

“The construction of a railway in the State of Missouri is a duty external to the city of Quincy, and is not one of the purposes for which it was created, and it follows from this that the general assembly cannot compel the inhabitants of a city, or any of them, to contribute to such an enterprise. . . . The only answers that can be

made to these objections, with even the semblance of plausibility, are :

“First. That, under the twenty-fourth section of the schedule of the constitution, the power is reserved to the general assembly ‘to authorize the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city shall have voted, and to which they shall have given by such vote their assent prior to December 13, 1869,’ which power is defined, in the proviso to the section, to be ‘an authority in the general assembly, under the present constitution, to authorize the city to contract the debts referred to as completely as the legislature could have done so under the constitution of 1848.’ But the whole extent of the exception made by the twenty-fourth section of the schedule is, that the general assembly shall have power, with respect to the authorization of the debt, that was possessed by the general assembly under the old constitution. The exception operated, no doubt, to remove the particular debts beyond the effect of the provisions of the constitution that prohibit municipal corporations from taking stock in railroad incorporations, and that limit their power to contract debts, . . . but it does not extend beyond that point ; and cannot be relied upon to support a law that imposes a tax upon the people of Quincy that no legislature could or can pass ; nor will it justify a disregard of those provisions of the constitution which prescribe the methods to be pursued by the general assembly in the matter of laws.”

The bill was passed, notwithstanding my objections, and I learned, in 1888, that they had completed the payment of the debt.

Before January 13, 1872, the legislature had passed a bill for “An act to regulate the manner of applying for reprieves, commutations and pardons,” from which I was compelled to withhold my approval.

In my message, I said : “. . . It will, no doubt, be admitted that it would be a fatal objection to any meas-

ure intended to regulate the manner of applying for reprieves, commutations and pardons, that its operations would be to restrict the power of the governor in the determination of questions confided to his discretion by the constitution, or that its effect would be to deprive persons of the power to make application to the governor. An act of the general assembly that prohibited all applications to the governor by persons convicted of crimes for a reprieve, commutation or pardon, would be palpably unconstitutional, and laws that imposed impossible conditions upon applicants would be equally objectionable ; and such, it appears to me, would be the effect of this bill if it becomes a law. The first section of the bill requires that every application to the governor of the state for a reprieve, commutation or pardon shall be by a petition in writing, and the second section directs that notice of such application be given to the state's attorney of the city or county where the offense was committed, at least three weeks before such application to the governor ; and it is made the duty of the state's attorney to give such notice to the parties interested in prosecuting said party committed. . . . The penitentiaries and jails are but miniature representations of the entire world, as they contain persons of advanced age and almost childish youth, and every grade of character, shading away from the most intelligent, as well as the most hardened and atrocious, to mental feebleness that is scarcely capable of forming a criminal intention ; and the inmates of the penal institutions of the state are drawn from every station of life, and the conditions that surrounded them before conviction attended them there, and greatly influence the possibilities of pardon.

“It is a fact that will be abundantly shown by an examination of the files of the executive office, that to applications made to the governor for the commutations of the sentence or the pardon of the most notorious criminals that have ever been convicted of crimes, will be found the names of judges, senators, representatives and

other eminent persons residing in this and other states. And applications of this class are pressed upon the governor, notwithstanding the person whose pardon is almost demanded by an array of powerful names, was defended on the trial that resulted in his conviction by the ablest counsel, and every means necessary to the proper vindication of his alleged innocence was within easy reach. Persons of this class will be able without difficulty, to comply with any mere formal method of applying for pardon that may be prescribed by the general assembly. But many of the inmates of the penitentiary are obscure and poor, and ignorant and helpless, and their crimes have sprung from impulse, provocation, temptation, poverty, ignorance or inexperience; and in others the feeble and irresolute have been deliberately seduced to crime by artful and hardened offenders, who, when they themselves have been pursued, have surrendered their tools and victims as a means of providing their own escape. It is often the interest of parties who have for their own purposes secured the conviction of the persons of the character described to embarrass every means the governor may employ to ascertain the facts of the case, and in many other cases, anything that tends to obstruct the way to the attention of the governor, is a real and often unsurmountable difficulty. It must be remembered that the offenses of many persons confined in the penitentiary are intimately related to poverty, destitution and ignorance, and it must not be forgotten that the provision made by our laws for securing a fair and intelligent trial for the helpless, feeble poor, does no great credit to our judicial methods. Many of the class of convicts under consideration are without property and friends in this state, and others, almost totally ignorant of the language in which the trial was conducted. To require of such persons the observance of the form prescribed by the act, before the governor is allowed to consider the question of a pardon, would be to cut them off from all hope.

“ . . . the final, though essential act is that the state's attorney of the city or county where the offense is committed shall find the persons interested to oppose the application for pardon, and give them the notice prescribed by the bill. The theory of the bill is, that in every case of conviction and sentence for crime, there may be some persons interested in the prosecution of the offenders, but the fact is, that many convictions are had for offenses that affect no particular person, or so affect whole communities that it would be impossible for the state's attorneys to elect the persons who more than others could be said to be interested in the prosecution. In other cases, the offenses are against the property of corporations such as railroad companies, banking and insurance companies, and the bills fail to indicate who, under such circumstances, the state's attorney shall notify as ‘persons interested in the prosecution of said parties convicted.’ . . . It seems to me there are cases where public justice demands that the governor upon his own motion shall investigate and pardon offenders; and perhaps after all that has been said upon the subject, the only security that can be found against abuses of the pardoning power is publicity, and the watchful criticism of the press and people.”

CHAPTER XXII.

Mercantile Protective Company—Constitutional convention, 1870—Detectives—Mobs—Bribes—Fees—Railroads—Eminent domain—Pardons—Talk to colored people of the seventh anniversary of emancipation—Address on the re-interment of Governor Bissell.

The other bill, which was entitled “An act to fund and provide for paying the railroad debts, etc.,” was intended to invite all the municipal organizations of the state to contract debts for the construction of railroads. It was declared to be unconstitutional by the supreme court, and its contents are therefore immaterial. It was passed, notwithstanding my veto, as was the “lake front” bill.

There is still, however, another measure which I was compelled to veto, entitled, “An act to incorporate the ‘Mercantile Protective Company of Chicago.’” I quote from my message: “I do not approve and sign this bill, because, in my opinion, the corporation proposed to be created to insure the safety of property against the depredations of ‘thieves, robbers and burglars,’ with the power to organize and uniform a force of watchmen, that ‘all state, county and city officers shall be bound to respect,’ ought not to be created. It is a reproach to the institutions of the country that the laws do not afford protection to the property of all the citizens, and if the laws are so imperfect or so inefficiently administered that the man who pays taxes to carry on his government and pay its officers, is then compelled to resort to private corporations and their bands of organized watchmen for the safety of his property, ‘we have fallen upon evil times.’ This bill is contrary to public policy, for the reason that it affords another means for citizens to escape the discharge of the plainest and most imperative duties.

“The laws are sufficient for the protection of property, but the prevailing evil of the times is, that orderly, law-abiding citizens refuse to select good, honest and efficient officers; they refuse to attend municipal or other elections for the choice of officers upon whose integrity and vigilance they must depend for safety against thieves, robbers and burglars, and permit the laws enacted for their protection to remain unexecuted, and depend upon private organizations for security.

“Every man will find safety in the laws (if they are enforced) and ought to depend upon them. They will be enforced if every citizen will do his duty. . . . Believing that the principle of this bill is erroneous, that no encouragement should be offered to citizens of the state to neglect their duties, and that all private police organizations are corrupting in their tendencies and dangerous to every interest, I cannot approve this measure.”

I particularly opposed monopolies, and vetoed a bill creating the “Massac Manufacturing Company.” I said in my message: “House Bill No. 1414, being a bill for an act to incorporate the Massac Manufacturing Company, is herewith returned with my objections to the same. This bill contravenes in many of its provisions principles that I have been taught to believe to be of the greatest importance and value, and I will content myself with enumerating them briefly, and referring to so much and to such provisions of the bill as will illustrate my meaning:

“1. In every just and wise system of government, perpetuities are abhorred. It is now too late to eradicate them, for our volumes of statutes abound in acts of incorporations that confer large powers that are of unlimited duration; but I have found none that go quite as far as this in respects hereafter to be alluded to. This corporation is conceded ‘perpetual existence and succession,’ and is upon that ground objectionable to me.

“2. But it creates and confers upon the corporation

such power as no government ought to confer upon any body of men, and these powers, like the corporation itself, are to exist perpetually.

“I ask attention to an extract from the bill: ‘The capital stock of said corporation shall be one hundred thousand dollars. The capital stock of said company may be increased to any amount not exceeding one million dollars.’ The object and business of said corporation shall be the manufacturing of iron and all other metals and combinations of metals now discovered or used, or which may hereafter be discovered; and in order to transact the said business, the said corporation shall have power to make iron rails for railroads and to re-roll iron rails; to mine for coal and iron, and other ore, to manufacture iron castings of every size and description, and to carry on the foundry business in all its various branches; to manufacture plows, wagons and all other agricultural implements; to establish and maintain spoke, hub and felloe factories, and any other thing or machinery for working in wood and that the said corporation may determine to invest in; to erect mills and machine-shops, and all other buildings that may be necessary to carry on their business; to manufacture all kinds of machinery of every description, of whatever nature; and also to purchase any patent inventions of any kind, and to manufacture and sell the article, machine or other thing so patented (and the patent therefor purchased by the company), and to hold, sell and convey any patent or patents of inventions purchased by said corporation in exchange for any property, real or personal, which property thus obtained may be held for the use and benefit of said corporation, or may be sold and conveyed as its by-laws may direct; and said company is authorized to own, occupy and operate one or more saw and planing-mills, for the sawing, dressing and cutting timber into boards for building purposes; and may manufacture doors, sash, blinds, brackets, mouldings, frames or any other article manu-

factured from lumber; and may make shingles, and may use and employ any kind of machinery in and about their business, propelled by steam; and they are further authorized to purchase or hold land, or other estate, for the purpose of cutting therefrom timber and saw-logs, and sell said land and real estate; and they are further authorized to establish one or more agencies for the sale of products of their mills or manufactories."

It is thus seen, by the terms of this bill, this incorporation is authorized to engage in almost every species of mechanical and manufacturing business; may compete with everyone, and, if it means anything, may overthrow all the industry of its neighborhood, for while the humble mechanic engaged in the manufacture of plows or other of the simplest agricultural implements must risk everything, the owners of the vast franchises created venture nothing but the capital stock invested, and if they successfully practice the devices sometimes employed that will be rather nominal than real.

I said in regard to the "House Bill 213," a bill for an act to incorporate the Logan County Agricultural and Driving Park Association, and "House Bill 945," a bill for an act to incorporate the Massac County Agricultural and Fair Association: "I decline to sign these bills for reasons that are common to both. . . . 3. The power to appoint police officers that are when appointed to have authority, without warrant or judicial order, to arrest citizens for acts done on their grounds, or within certain distances around them, in violation of their by-laws or the laws of the state, or to adopt by-laws—and in the case of one of them—resolutions imposing penalties that they are authorized to recover and appropriate to their own use. If these corporations were as nearly public as their names import, I would most earnestly insist that they should not be intrusted to pass laws under the name of by-laws—to the extent proposed by these bills—and that they should not have the power of

appointing police officers with authority to arrest citizens without warrant. . . . Public and private rights are still too precious to be placed under the control of private persons."

My purpose in quoting from my messages, disapproving these bills, is to show the recklessness of the legislature of 1869, and of the extreme care I was compelled to exercise.

In the meantime, the Constitutional Convention of 1870 enlarged the powers of the governor, so as to make his veto of the bill equivalent to two-thirds of both branches of the general assembly.

On January 4, 1871, the legislature of the state again assembled, and it was my duty, under the constitution, to transmit to that body a message in writing. I did so. In that message I congratulated the general assembly upon the prosperity of the state, and that the laws for the preservation of peace and order have been in almost every instance faithfully executed.

I said: "Amongst the exceptions to the general enforcement of the laws of the state are several instances of outrages committed by mobs. On February 21, 1870, one Harrison Reed, who was charged with murder committed in Madison county, was taken from the custody of an officer, who was conveying him to jail, and killed.

"On April 20, 1870, one Hank Leonard was forcibly taken from the jail of Marion county, and put to death under circumstances of peculiar atrocity. On April 16, 1870, one Joseph C. Ramsey, while in the custody of an officer of Putnam county, who was conveying him to the county jail, was seized by a mob and hanged.

"These cases were officially reported to me, and other instances of lawless violence have occurred in the state, in regard to which I have no official information. . . . The case of Reed is especially humiliating. He had escaped from the state, and was arrested under the order of the governor of the State of Missouri, in consequence of a

requisition made by me, and was murdered while in the custody of an officer of this state, who could not, or would not, protect him.

“When the facts were fully investigated by me, I offered a reward of one thousand dollars for the apprehension and conviction of the offenders in each of these cases, but no arrests have been reported to me.

“. . . In the cases mentioned, my powers are exhausted, and the violators of the law are unpunished.”

I spoke of the new constitution, and said: “On July 2, 1870, the people of the state expressed their approval of the constitution adopted by the convention assembled in this city, on December 13, 1869. This instrument, that was prepared with so much care by the intelligent, patriotic men who composed the convention, and that was adopted by the freemen of the state with a singular degree of unanimity, introduces many most salutary reforms in the organic law. The constitution of 1848 was well suited to the times, and was adopted by the people, under circumstances of difficulty and embarrassment that we cannot now fully understand.

“At that time, the state was overwhelmed by a debt, improvidently contracted, and that had wholly failed of benefit to the people; property had but a nominal value; the resources of the state were undeveloped, and but little understood, and immigration had almost ceased.

“The constitution was the expression of the determination of the people to meet every obligation, and to practice the most rigid economy until the claims of the public creditors were placed in a condition that would satisfy them. The purpose intended was accomplished, and the constitution of 1868 will be remembered as an example of courageous integrity to the enduring honor of the State of Illinois. . . . The public judgment is, that the constitution now in force is admirably framed to correct abuses that had grown up under the former system of government, and that, if its provisions are respected, it will secure to the state an efficient, econom-

ical administration of its affairs, and fully protect every public and private right. But, as well founded as these expectations are, it will ever remain true, that a self-executing constitution has not been devised by human skill, and, if such an instrument could be created, it would be without value, for it is of the essence of a free government that it exists, and is preserved by the intelligent assent and the active, vigilant, organized will of a free people." . . .

"The forms of popular government may escape subversion, but it will practically perish when the people are unable to confide in the integrity and wisdom of those whom they are compelled to entrust the execution of its powers, and, hence, the officer who justly forfeits the confidence of the people is as dangerous to the welfare of the state as if he had treacherously assailed its existence. . . . Indeed, all the laws of the state, in respect to elections, demand careful examination, with a view of such improvements as will render them a more complete protection to the purity of elections. . . . I am free to confess that no complete reform, with respect to this subject, can be expected, until public sentiment shall concur with legal enactments, and make those who offer and those who receive bribes alike infamous, . . . and provide that the use of corrupt means to secure an election, whenever discovered, shall work a forfeiture of the office, and also incapacitate both parties from voting or holding office thereafter in this state. I alluded to the apportionment for members of the legislature as provided in the thirteenth section of the schedule of the constitution. I said, in regard to the compensation of public officers that, 'I think it is proper to say that in my judgment every public officer should be paid a fixed salary, and that the whole system of compensation by fees, to be collected from parties, or counties, or from the state, ought to be at once abolished. . . . In addition to penalties to be imposed upon officers guilty of violations of such laws,

I repeat the recommendation, that hereafter no fees or costs be taxed or allowed for the services of any public officer, but that whatever sum or sums it may be thought judicious to require to be paid by persons for the services of public officers, shall be deemed a tax, and be paid under suitable regulations into the proper treasury ; the fees of clerks and sheriffs heretofore charged against litigants can, by a proper classification, be commuted to a fixed sum, and paid into the county treasury, upon certificate of the clerk. A form of special tax, to be levied upon administrations and other matters within jurisdiction of the county court may be devised, while the tax imposed upon suits in the supreme court, may be paid into the state treasury.' "

I referred in my message to the expenses of the general assembly, and said: "Unless great attention is given to the matter of the expenses of the legislature, the members will at the close of the session be surprised at the aggregate amount. The amended constitution provides that 'no money shall be drawn from the treasury except in pursuance of an appropriation made by law, and that no money shall be diverted from an appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution.' It will therefore be necessary for the general assembly to provide by law, for the necessary expenses of the session. . . ."

With respect to special legislation, I said: "The aggregate number of bills introduced in both branches of the general assembly was two thousand, two hundred and seventy-eight. Of these upwards of fifteen hundred became laws ; and those that are special and local alone, are bound into three ponderous volumes that contain two thousand, eight hundred and forty-three printed pages. It is doubtful if any such mass of crude and dangerous legislation was ever inflicted upon any people."

In regard to municipal legislation, I said, speaking of the statute then in force: "Many of its provisions are

vague, and others unconstitutional, and the whole law is in my judgment wanting in that symmetry and completeness which is essential to the usefulness of a statute that is to be the constitution of every municipal body in the state."

With reference to railroad corporations, it was said in the message: "Every railway corporation organized or doing business in this state, under the laws or authority thereof, must maintain an office in this state for the transaction of its business. . . . The usefulness of railways and the extent of their beneficial influence upon the well being and prosperity of the country, are not denied. . . . But the duty and the power of the state to interfere for the effectual control of railway corporations is disputed. Those who deny the necessity for state interference insist that all the evils of excessive tariffs and unjust discrimination for rates for transportation, will be ultimately corrected by the competitions of different lines of railways, in their efforts to control the business. Competition is far more expensive than direct methods of legal control. The grossest oppressions that burden the people grow out of the fierce and exhausting railway competition at important points where their interests come in conflict; and one of the strongest reasons for the interference of the legislature to control the management of railway lines is, that the burdens of the useless competition of different lines is thrown upon intermediate points where competition is impossible. Deprive railroad corporations of the power to impose discretionary rates upon their traffic, and the business community would suffer far less from the selfish contests of competing lines, that in their effect unsettle values, to the confusion of business and the disappointment of the most prudent commercial calculations.

" . . . But the difficulties that occur to my mind, do not relate to the power of the state to enact and enforce proper laws, but they grow out of the complex nature of the subject. There are conflicting inter-

ests to be reconciled and adjusted, and nothing within the sphere of governmental action requires more delicacy of management than what is termed railway problems. . . . My apology for the extended discussion of this question is, that the people of the state in the adoption of the amended constitution have imposed upon the general assembly duties of the highest importance, and doubts as to the power of the state to control railways have had and will have effect to produce timidity, hesitation and feebleness in its councils.

“To maintain the usefulness of the state governments, it must be established that their powers are in no sense subordinate or dependent, but that, under our political system, the grasp of the states upon their own proper functions is as firm and uncontrollable as that of the government of the United States; that each are essential parts of our admirable political system, and their orbits in that system being defined, they are each supreme and alike indestructible.”

With references to warehouses, I said, “that warehousemen are like carriers, engaged in the public employment, . . . and the magnitude of the task will be assumed by the state in attempting to subject railways and warehouses, and the individuals and corporations that own, operate and manage them, to that degree of legal regulation and control that is demanded by the public interests, rendering it necessary to create a board of commissioners, to whom the duty of enforcing such laws as may be enacted for that purpose may be confided, and the commissioners should be clothed with all the needful power, when the occasion demands, to compel submission to the authority of the state.”

“I referred to the subject of ‘eminent domain,’ which involves the right of the state to take private property for public uses. . . . After adverting to the judiciary and criminal justice, of which I said, ‘the employment of detectives, in aid of the enforcement of the laws, is

painfully suggestive of a rapid approach to social and political helplessness, where the people, without confidence in the laws of the land or in the agents appointed to execute and enforce them, surround themselves with spies and eagerly await the coming of a master, who, by his own vigor, will give protection to their persons and property.'

"The recognized existence of a class of persons, self-appointed, who take no oaths and give no bonds to secure their fidelity to the laws, or to indemnify parties they may injure, whose authority to pursue, watch and arrest seems undefined, and whose jurisdiction is without boundary, is an anomaly in a land of law. If necessary, they should be licensed or commissioned and subjected to control; if useless and mischievous, as I think they are, they should be repressed."

I spoke of the subject of pardons, as intimately related to the administration of criminal justice, and said: "Criminals of one class are able to employ the influence of persons of the highest stations, while those of another will rely upon the powerful intercession of a wife or mother, or the almost irresistible agency of homeless, ill-clad children, whose wretched condition is an appeal that can hardly be resisted, except in cases of the worst of men.

"In cases like these, compassion will sometimes confuse or overcome the judgment, and others present themselves where justice and public policy alike dictate pardons." . . . I gave a list of the names of the persons pardoned by me, and stated that the number of pardons granted from January 11, 1869, to January 11, 1870, is:

"From penitentiary,	108
From Bridewell (Chicago),	1
From reform school,	2
From county jails,	7
	<hr/>
Total,	118

“Number of pardons from January 1, 1870, to January 1, 1871 :

“From penitentiary,	60
From Bridewell (Chicago),	1
From county jails,	5
	<hr/>
Total,	66

“It is due to candor that I should say that in some instances, I have granted pardons on account of a conviction that the provision made by law for the defense of the poor and friendless, charged with the commission of crimes, is not equal to the civilization of which we boast.”

In my notice of the state finances, I said : “The report of the auditor shows that the whole state debt, outstanding, on November 30, 1879, was \$4,890,937.30, and there is in the state treasury, applicable to the payment of the public debt, \$3,082,104.22 ; the balance of the state debt, over and above the sum named, is therefore \$1,808,833.08 ; this comparatively small balance will be provided for without any additional taxation. . . . I commend the suggestion of the treasurer, as to the payment of the state debt in coin, to your favorable consideration.

“. . . The report of the auditor suggests that difficulties have arisen in the practical execution of ‘An act to fund and provide for paying the railroad debts of counties, townships, cities and towns.’ . . . The whole law, its principles and details, are, in my judgment, violative of the just theories of taxation and the constitution of the state, and has been, in practice, a ‘delusion and a snare’ to the people. The proper course to be pursued is to repeal the law at once.

“It has been settled that one of the most difficult achievements is a satisfactory revenue system. . . . It is provided for in the eleventh article of the constitution, that every person and corporation shall pay a tax

in proportion to his, her or its property, which is, in substance, but the just rule of equality of taxation.

“The third section permits the exemption of property used for certain purposes from taxation, but the exemption must be made by general law. . . . The exemption of property from taxation is against common right and of doubtful policy. . . . To enumerate all the laws made void by the provisions of the constitution, is unnecessary, but it is proper to observe that they defeat all laws exempting the property of any district from taxation, all laws appropriating the taxes of districts to uses of persons or corporations, all laws that impose taxes upon the inhabitants of municipal corporations for corporate purposes, and, also, all laws that authorize or require persons appointed by the general assembly to levy or impose taxes for municipal purposes.”

With respect to public education, I paid a just compliment to the teachers of the public schools, and further remarked: “The duty of the general assembly is defined in the clear and precise language of the first section of the eighth article of the constitution to be, to ‘provide a thorough and efficient system of free schools, whereby all the children of this state may receive a good, common school education.’ The duty is imperative, and extends to all the children of the state, without distinction of race or color. . . . Happily for the future peace and welfare of the country, odious discriminations on account of color have been blotted out of our political system, and the anti-republican prejudices that have heretofore been sufficient to defeat the demands of a portion of the people for equality of political and legal rights, have passed away with the system of slavery, and none now deny the duty of the state to provide for the education of all.”

On the seventh anniversary of the preliminary emancipation proclamation, I addressed the colored people of the city of Springfield, at a celebration, as follows:

“My country-men and country-women—I came here to-day without any expectation of speaking to you. I

saw, in reading the morning paper, that Mr. Herndon and Mr. Cullom were to make speeches to you, and I came to hear them, and to determine something of your numbers, and to note the progress you have made in the direction of improvement, in intelligence and in the acquisition of the qualities that constitute good fathers, good mothers and good citizens; and I feel warranted, by your appearance and conduct to-day, in saying that your progress has been such as more than satisfies the hopes and predictions of your most sanguine friends.

“To fully realize what you have gained, it must be remembered that only seven years ago to-day was inaugurated the plan of your emancipation.

“When, on September 22, 1862, Mr. Lincoln issued his warning proclamation, threatening emancipation, he only intended by that menace to startle that portion of our people who were in rebellion into submission to the authority of the government.

“Many thought that proclamation unwise and dangerous, and others denounced it as revolutionary and even wicked. He only declared that he would declare the freedom of your race in certain states and parts of states, if, before January 1, 1863, the people in the districts indicated did not lay down their arms. The great resolve of the president of that day, who is the quiet sleeper near us now, as much as it meant as an utterance of his fixed determination, only prepared the way for coming events, and when, on the ever-to-be-remembered first day of January, 1863, Mr. Lincoln ordered the freedom of more than two millions of bondmen and bondwomen, the lines of the Rebels against the government were so advanced that the actual situation of the great body of the slaves was in fact unchanged. It required many painful marches, many bloody battles, that cost many thousands of precious lives, to give full effect to the resolve of the American people that slavery should endure no longer; and it was only when the flag of the rebellion, which was also that of slavery, went down on

the north bank of the Appomattox, that the principle was firmly established, and freedom was made the cornerstone of the restored republic. Nor, indeed, did the overthrow of the rebellion entirely destroy slavery, for Mr. Lincoln's proclamation only applied in terms to what were called the insurrectionary states, and to Kentucky and Delaware, both of which were nominally loyal to the Union, still asserted the right to hold men and women in bondage; and I had, as military commander of Kentucky, the rare good fortune, as late as July 4, 1865, acting in the name of the national government, to loose the last shackle of the last slave, and to drive the last nail in the coffin of the monster that had lorded it over all so long, and had filled the land with gloom and sadness and mourning. A little more than four years has passed since slavery ceased, and your race was born from chattelhood to man and womanhood. Nor can it be said that until long after the proclamation of Mr. Lincoln was issued, did men realize the fact that you were free, or that you were to be made free at once and without preparation.

"I can speak for myself, and candidly confess that though I had hated slavery from my earliest childhood, and had regarded it always as the sum of all villanies, as dishonoring God and degrading to man, I had taught myself, and years ago when I argued here in Springfield for the colonization cause, attempted to teach others that your race was not prepared for freedom. I, like thousands of others, felt and spoke of a period of preparation—of probation, by which you were to be made free slowly and gradually; that you were to pass by almost insensible degrees from slavery to freedom—from darkness through dawn, to the perfect day of liberty. We were as earnest and yet as wise as the good mother who did not intend that the son of her love should approach the water until he had first learned to swim!

"We did not then know, as we do now, that slavery and freedom are so positive; that they cannot occupy the

same ground ; that every man and every woman must be altogether free, or all a slave, and that the only way of preparing men for freedom is to make them free. Nor were you prepared to assert your claim to liberty with confident boldness. Your old men had dreamed dreams, and your young men had seen visions of the coming day, but you did not realize that it had come. You had been for centuries in the grasp of a system as blighting as death—a system which had received the commendation of statesmen and moralists, and had the approval of the God of some systems of religion, if those who claimed to teach in His name are to be believed. In the slave states you had no homes, no wives, no husbands, no children you could call your own, and the faintest trace of African lineage was the badge of slavery, disgrace and humiliation ; and here in Illinois you were more than aliens, for they might become citizens, but you were gravely defined by lawyers to be only perpetual inhabitants and strangers. It is perhaps true all had felt that eager longing for liberty, that inextinguishable desire for freedom that God has implanted ineradicably in the very nature of all things that He has endowed with life. But with most of your race this desire was only awakened to be quickly repressed by the conviction that the white race were so much your superiors, so unlike yourselves, that liberty was unattainable ; indeed, false religion, and fraud, and falsehood in all forms were so combined with power that you were held inclined to doubt whether with a good conscience you could desire freedom, and you knew that if you attempted to grasp it every hand would be against you. And though we were the blind instruments of your emancipation, we did not make you free. It is true, and must be confessed, that so little did the great body of the anti-slavery men understand the signs of the times, that the event of emancipation burst upon us with stunning suddenness. Many of us had fought battles, and faced death in support of the government, and of our convictions, but when the great consumma-

tion was reached, we knew that the Ruler of nations had only led us on, and that as He in the beginning had said, 'Let there be light, and there was light,' so His voice had proclaimed, let there be liberty throughout all the land, and the shackles fell from every limb, and the great fact of freedom on this continent was established forever.

"And to do those who oppose your emancipation justice, they were only a little more blind than we were. Some of them loved slavery, it is true, but the great body of them, who in the North resisted emancipation, only dreaded freedom. But, now you are free, we rejoice, and all acquiesce, and with freedom to you comes new, and grave, and most solemn responsibilities.

"While you were slaves, you did not own, and did not dare to claim your own husbands, your own wives, or your own children. But now all these are yours. Before, you were all for the slave-market and the auction-block. Then, if the slave-mother clasped her child to her breast, or leaned over its scanty bed in sickness, and agonized and prayed that it might live, she knew that it was not her own, but that the master, at the dictates of necessity, caprice or the most unholy avarice, might tear it from her arms and hide it from her sight forever. No law forbade it, and holy men vouched scripture for the deed. But your children have been given to you a second time, and how solemn are the responsibilities this double gift imposes upon you! And as you love your race, your children and yourselves, you dare not disregard them; you must rear your children well, and to do this you must gather them about you, and you must have homes. The family is the foundation of society, and homes are essential to the existence of an intelligent, virtuous, well ordered family. I repeat, you must have homes, where you can shelter those you love, and where you may teach your children to love the father's house—homes, forever humble, but your own homes, that you may improve and adorn them. I

know that when you were led out of captivity, unlike the chosen people of the Most High, you were not permitted to enrich yourselves with the spoils of your masters, but you came forth naked and destitute.

“But you are free, and inhabit a country which may not, like the promised land of the Jews, flow with the typical ‘milk and honey,’ but which ought to satisfy all the desires of an industrious, frugal people, where labor is abundant and its rewards are sure. You can work. The problem which puzzled our Southern friends so long has been solved: ‘The nigger will work.’ And work to do, and pay for it, is enough for any of us.

“You are in possession now of all any useful man requires, the right to labor, and to enjoy what you produce. Go forth, then, and get homes, for a homeless race cannot progress in civilization or refinement. Educate your children. Instill into their minds virtuous principles. The facilities for education are all around you; schools are provided. Avail yourselves of them, and in a few years your slavery will only be remembered as a dream, and will be mentioned to illustrate the extent that one race, amid the blaze of Christianity, civilization, and refinement, can practice oppression and wrong, and the patience with which another can endure them. Nor can any of the rights that belong to other citizens be much longer withheld from you. Intelligence and property will command respect. The story told of one of your own race illustrates this. He was asked: ‘What church do you belong to?’ ‘None—I quit ’em. Year before last, I belonged to the church, and gave them ten dollars, and den they called me “Brudder” Smith. Last year I did n’t make so much money, and could give only five dollars, and den dey called me “Mr.” Smith. This year my wife was sick, and I couldn’t give any thing, and den they called me “dat ole nigger”—and I quit ’em.’ Remember that in proportion to your success you will be respected—and, then, you must vote. I do n’t know if suffrage was only conferred that men

might take part in prescribing rules for the government of the country, but that it would be best that only the wisest, if we knew how to select them, should enjoy or exercise the right. But that is not the ground upon which I insist that you and every other citizen shall have the right to vote. Suffrage is the most powerful and most valuable weapon of defense. Officers rule over you now that you did not select. They tax your labor and defy you. What difference does it make to the governor whether he protects the colored citizens or not, or to the member of congress, or of the state legislature, who, by their votes, bind your person to duties or mortgage your property for the payment of burdensome taxes, or to the police officer who huddles you into jail or knocks you down for some imaginary offense against his own dignities? Whether you approve their conduct or not, you cannot vote. But concede to the colored citizen the right to vote, and suddenly all is changed. The governor, the member of congress and of the legislature suddenly discover your value. They become polite to your person and thoughtful of your interests, for they will want your good will and your vote. The police officer becomes deferential—he anxiously inquires as to your health and that of the lady, your wife, or after the prosperity of your interesting children. And why this extraordinary courtesy? His master, the mayor, wants your vote; and the country needs and must have your vote for yourself. Hereafter the inquiry will not be, what is the color of the voter, but what are his duties?

“The body of your people in this country are poor and are homeless and landless, and must for years be laborers, and these interests will unite them with the white men whose mission is toil. Heretofore, the class of white men called laborers have exhibited less sympathy for you than have others; but the antagonism which prejudice has occasioned will soon disappear, for they must at no distant day discover that they and you

are burdened by the same taxes and are alike oppressed by misgovernment; that you and they are the victims of the grasping demands of the same landlord; that you hunger alike, and that you and your children suffer and die from the same diseases that bring desolation and sorrow to them.

“From the necessities of the case, the colored men of the United States must ally themselves with the workers of the country; nor can they, unless they are unwise, reject the powerful support your numbers will furnish them. You will naturally unite with those whose interests are like your’s, to resist every encroachment upon the rights and liberties of the people, whether they are threatened by organized wealth, which seems to riot in uncontrollable license, or from the corruptions of those in power. You may be ignorant, but it rests with you to determine how long you will remain so. And ignorance of many things does not always incapacitate men to form intelligent opinions with respect to others.

“I think the best statement of the office and value of suffrage I have ever heard was given to me by a man of your race, who had spent the whole of his life upon a rice plantation on the shores of the Atlantic in North Carolina. After examining him as a witness before a court martial, as much for amusement as anything else, I said to him, ‘Sam, if you had the right to vote, how would you vote?’ He answered me by saying, ‘I would vote according to my “intrust” if I knowed what that was;’ and, let me tell you, that is exactly the reason why a vote is valuable. That you may protect the precious interests that belong to you as husbands and fathers and laborers and citizens, you will vote according to your interests; and it will be to your interest to restore the government to its ancient simplicity and cheapness; to relieve the labor of the country from its burdens; to give perfect protection to persons and property; to resist extravagancies and the qualities that have the sanction of bad laws.

“And I repeat, you will vote, and will soon vote. The fifteenth amendment will, I believe, be adopted—not in time to secure the recognition of your right to vote at the next election, but you will vote at the next presidential election. All parties are committed to it. We have crossed the river, and will never go back. And if the fifteenth amendment is rejected, you will still vote, for I am well satisfied that the constitution as it is and that of the State of Illinois, when interpreted by statesmen in the light of the great revolution in your condition and in that of the whole country and according to the spirit of the age in which we live, establish your right to vote.

“In my judgment you are citizens with all the capacities that belong to others. I believe that you have the right to vote, and are now eligible to office; and if any colored citizen was recommended to me by the people who are interested, as the most suitable person to fill any office that comes within my limit or my power of appointment, I should not doubt his eligibility, and would not hesitate in acceding to their wishes.

“We are now all citizens; the great contest is over, and we must unite and put forth all of our efforts to advance the prosperity of this great and free republic, and to promote the happiness of all of its people.”

The following oration was delivered at Oak Ridge Cemetery, May 31, 1871:

“CITIZENS—We have been invited to-day to aid in dedicating this structure to be a memorial of a man that the people of this state honor and revere; and we have visited the quiet spot where he slept all that time has left of William H. Bissell, the soldier, the statesman and patriot, and have lovingly borne his remains to this place, and have deposited them here, no more to be disturbed, that this beautiful work may hereafter perpetuate his name and honor his memory. This solitary monument is to

stand in this city of the dead, a voiceless yet impressive witness that a great man has fallen, but he is not forgotten by his countrymen—while the inscriptions cut into solid marble testify at once to the brevity and nobility of his shining and useful life.

“You have done your work, but there remains to me, as successor to his office and his public duties, the difficult task of speaking of his life and his acts, in such fit and appropriate terms as will not offend against taste, nor do an injustice to the memory of the dead, but will afford profitable lessons for the guidance of the living.

“Fellow-citizens—I bespeak your charitable indulgence while I attempt the proper performance of my responsible and delicate duties. You do not expect me to undertake a recital of such facts in the life history of Governor Bissell as are common to us all, for as much as you revere the memory of his life and cherish his fame, they will not interest you. He was born, he lived, he died; and he shares this brief biography of our race with the almost infinite millions who in the centuries past were born, lived and have vanished—of all of these, this much is all that is or need to be known. Many of these forgotten ones strutted their brief hour upon ‘life’s busy stage,’ and were the noble and great of their day; but now their names and their deeds are lost forever.

“It may well humble the lofty and the proud to realize that within a few years their names will only be known to the students of the vanishing past, and none will care to know when their lives began or when they ended.

“Indeed, the dates of human deaths and births are of no importance, for birth and death signify but changes in form of being; the one is but the incarnation, the other the release of a soul; they are alike inevitable, and in themselves furnish no special lesson for the benefit of mankind. It is true that the circumstances that surround an early childhood, and follow it in its growth, until it develops into mature life, are of vast consequence.

No mortal mind can fathom and no words explain the extent to which lives are impressed and influenced by the conditions that attend childhood. It will only be fully known when we stand in the presence of the Infinite, to what extent our example or our neglect has taught the feet of innocent childhood to stray ; and it is also true that incidents of death sometimes impressively demonstrate the complete growth of the most elevated qualities. 'The end of the righteous is peace.' The true man at the close of a well-spent life may look into the abyss that lies before him with confidence that he will awake in a new sphere filled with labors and duties ; into a life that has its relations and obligations. He must resign 'this pleasing, anxious being,' but he will enter into another possessed of larger powers.

"It is material, therefore, to a proper understanding of the life of Governor Bissell, that you should be informed that he was of 'humble parentage.' These words we have inherited from our mother country, together with many of its admirable as well as absurd forms of thought and expression, and are used to signify that his parents were simple, honest, God-fearing people. If they had been wealthy and influential, I would no doubt have employed the only admissible republican substitute for nobility by declaring them to have been 'highly respectable,' even though they neither 'feared God nor regarded man.'

"During his childhood, he had before him the parental examples of industry and frugality and of the honest painstaking discharge of daily duties. His life commenced, and his boyhood was surrounded by, such influences and no other ; and none that knew him well will doubt that they were the foundations of the rules of a life singularly brilliant and successful, and that would, under favorable conditions of physical health and constitutional vigor, have become eminently distinguished. Young men of the present day are slow to comprehend the difficulties that forty years ago embarrassed those

who were eager to obtain the advantages of thorough literary culture. Even in some of the states that are now overflowing with wealth and population, schools and higher institutions of learning were comparatively rare. They were roads, but not royal roads, and Governor Bissell was able by these agencies to acquire a respectable, though, I think, not a thorough academical education. I do not refer to the circumstances of the childhood and youth of Governor Bissell to find corroboration for the popular belief that enforced industry and self-denial in early life are unfavorable to high intellectual or moral development, for, contrary to the general view, I am persuaded that the stern lessons of poverty in the modified and softened forms in which it presents itself in our country, are more useful and impressive than any that can be imparted in the schools.

The unfortunate young man, possessed of generous traits, relieved from ill-judged and enervating support, is permitted to acquire and cultivate the master quality of manhood, self-reliant helpfulness—a hopeful and enduring confidence in his own capacity to do. This lies at the foundation of all true success in life, and is learned only in the field of actual struggle. And the boy who is compelled to face obstacles and overcome them will enter manhood with a courage to which all things are possible; and though he may in the great battle of life suffer reverses and occasional defeats, he will win the victory at last.

Governor Bissell came to Illinois in his early manhood, a physician, and engaged in the practice of his profession. I have never thought it to be singular that a man of his active and ambitious qualities, but acute and inquisitive mind, should have been at first fascinated by the study of the laws of life and health, of disease and death. How marvelous it is that we live and move and think and love and fear and hate!

“How wonderful it is that we thrill with abundant, joyous health! that we tremble and cower at the touch

of slight disease, and how astounding that death is on every hand around us, above, beneath, that he conceals himself in the waters and floats upon the breeze—he touches and we are no more. Those who knew the quality and texture of Bissell's mind will readily understand the earnestness with which he would labor to master these mysteries, and that after having learned that they were all concealed from mortal view, that they are as unfathomable as Nature herself, he would turn his attention to other fields of effort. He was elected to the legislature, and was engaged in public employment with slight interruptions for the remainder of his life. He turned his attention to the profession of law, and soon attained a high rank in his new calling. On the breaking out of the war with Mexico, he was chosen the commander of a regiment, and during his term of service, he evinced the possession of high military qualities. Soon after the close of the war, he was elected to a seat in the national congress, and was afterwards chosen to be governor of the state, the tenth in the order of service, and died on March 18, 1860, before the expiration of his constitutional term, at the age of forty-eight years.

“How brief this life, and how few are the leading events to which I have referred! and yet I have already declared in your hearing that such a life is to be regarded as successful.

“Biography is history, and the history of the world is usually written as if there was nothing worthy to be chronicled but the rise and fall of the empires, the beginning and end of dynasties, and the marches and battles of armies; and yet these, of all others, are the facts least worthy to be remembered. Man, under God, is the universe, and information that his governmental forms, at different periods, have justified one or some other designation, furnishes no clue by which the actual condition of peoples may be ascertained.

“Emperors and kings have been sometimes the guard-

ians of liberty and popular forms of government, on the other hand, have often been administered by the despotic and cruel. Armies are but imperfect types of the civilization of their period, and great battles won in the name of despotism have often proved to be the triumph of human freedom.

“The events that constitute the staple of history are valueless until subjected to philosophical analysis, and are considered in all their relations and influences; and, when this is wisely done, the age to which they are to be referred stands out before us like a picture, in which every object preserves its proper proportions. And so it is in the leading facts in the life history of eminent men. We may be told that Washington was the commander-in-chief of the American armies during the war of the revolution, and that he was afterwards president of the United States; but these are the most unimportant circumstances of his grand and sublime life. We are to be instructed and profited by a history of his minor, inner life, by a knowledge of all those admirable qualities that existed, and, when so happily combined, constituted the man who was ‘first in war, first in peace, and first in the hearts of his countrymen.’ And those of us who stand here near the city of Springfield, which was his cherished home when he lived—and in this solemn city which is his home now that he is dead—and within sight of that towering column erected to point to the pilgrims of liberty who may inquire for the tomb of the noble martyr where he sleeps, do not, when we speak of Lincoln, say he was once a member of congress, or that he was twice elected to the highest place in the gift of the American people, for we know that these events were but the result of the qualities that marked him the central figure in the sublimest events of history; but we speak of his modesty, his truthfulness, his fidelity to the right, his industry, his wonderful wealth of firmness and courage, his broad capacity, that were so suddenly

developed by the responsibilities of his great place that they seemed to us like the inspirations of Deity ; his patriotism and the golden chain of personal excellencies that cannot be described and that bound all these into a compact and harmonious whole, so lofty and so great that it astonished us who knew him best and imagined we knew all that was to be learned of his character. Men are to be studied and described by their qualities, their capacities and their trials. In the true portraiture of their history, events in their lives are only appealed to as witnesses—acts are but the objective types or results of inner forces.

“I have already mentioned that Governor Bissell abandoned his early profession for that of law ; for this field of labor he possessed many natural qualifications. He was a clear and accurate thinker, and was an honest thinker, if I may be allowed to use a term that more properly belongs to the domain of morals, to illustrate mere intellectual processes. Notwithstanding the rigor and exactness of all true forms of logical reasoning, every one has observed that some minds are so radically oblique, that they cannot perceive or accept, but will always, though unconsciously, resist the most accurate deductions of reason.

“Such persons are affected by what may be very fairly termed intellectual color-blindness. The mental eye is incapable of perceiving some of the rays of light that contribute to the true color of truth, and they therefore labor on, all unconscious of their existence. His mind, at a glance, took into view all the shades of truth, and accepted logical results as if they were the decrees of fate. He cherished for the law the most profound respect, and, like the sages whose wisdom has made the profession illustrious, he esteemed the law to be ‘the science of practical justice,’ and held that its professors are bound by the most solemn obligation to maintain and enforce it. In his view, the law is a shield to the helpless and a defense to the innocent..

“Some who are now present will remember when Bissell was the representative of public justice, and when the ablest of the profession esteemed it an honor to be selected to defend the poor. His antagonists felt assured that the claims of the law would be maintained, but that justice and right would never be disregarded. Some of his professional rivals live to-day to cherish his memory; but others, ah! how many of them, are alike gone to appear before the tribunal of the Infinite Judge!

“As a politician, he was earnest and sincere. The ostensible grounds of political controversy in the earlier years of the public life of Governor Bissell are but of little real importance.

“The great conflict that created the Democratic and Whig parties was over. As early as the year 1840, the Whig party, upon issues that are not easily explained, carried the presidential election, and nearly all of the states, but it perished in the very hour of its triumph, and in 1844 the Democratic party, under the leadership of Mr. Polk, captured, and carried into the citadel, with shouts of triumph, the ‘wooden horse,’ filled with its deadliest enemies.

“The inauguration of Mr. Polk was followed by a war with Mexico, and the results of the war forced upon the country the necessity of considering some of the aspects of the even then dreaded slavery question.

“Governor Bissell, who had borne an honorable part in the war, was elected by the people of his district to represent them in the house of representatives in the federal congress, and early distinguished himself upon that theater for clearness of views, and for his calm, though courageous, utterances. He entertained the opinion that slavery when established or maintained within any of the states by their own authority, equally firm in the expression of the belief that it did not exist and could not be established by federal authorities in any of the territories acquired from Mexico.

“The discussions in congress on this and kindred top-

ics were attended by the usual explosions of passion and feeling. Amid all the scenes of these turbulent sessions of congress, Governor Bissell bore himself with that quiet calmness that had characterized him on the field of Buena Vista. He was courteous to all; he was dignified and deferential, but in spite of all this, he became involved in an affair that no one who undertakes to do justice to his memory can pass over in silence.

“For decorous words, calmly and courteously spoken though in debate, he was challenged by Mr. Jefferson Davis, then a member of congress from Mississippi, but afterwards notorious as the chief of the brief and ill-starred Southern Confederacy, to fight a duel, and he coolly and decisively accepted the challenge. Before discussing the questions of morality and propriety that are to be considered in determining upon the conduct of Bissell upon this occasion, I may be permitted to say that his acceptance of this challenge was with a deliberate intention to fight. He proposed no unusual weapons or terms; he indulged in no useless words. In this respect, his conduct was characteristic of his life.

“Whether his acceptance of the challenge was justifiable or not, depends upon all the attending circumstances. Personal self-defense is a right recognized alike by divine and human laws, and that defense is most perfect that not only repels, but anticipates and prevents danger.

“The war of sections that afterwards summoned millions to the field, had even then commenced, and the challenge of Mr. Davis was addressed, not only to William Bissell, but to his state and the whole North. Northern public men, then and afterwards, under the mistaken belief that the Northern people demanded that they should not repel insult by the punishment of the aggressor, submitted to contumely and outrage to an extent that even now cannot be remembered without a blush of indignation. It seemed, then, to be demanded of public men that they should speak freely and assert

the right to freedom of speech, but that they should not employ the only mode possible for its defense. I admit that the principles of Christianity condemn all forms of violence not employed within the strictest limits of self-defense, but I have often felt that the right to employ force in the vindication of other rights is as sacred and as necessary as that of personal self-protection.

“At that time it was the purpose of the Southern public men to subjugate the whole continent to slavery ; and personal menaces and insults towards members of congress from the North and West were the means resorted to, to give effect to their plans. They trusted in the efficacy of intimidation, and the challenge to Governor Bissell was an experiment in that direction, and history has already testified as to the measure of its success. In my judgment, under the circumstances that then existed, the acceptance of this challenge was simply the discharge of a necessary duty to the state. There was no middle ground. Insults must have been borne or resented. Intimidation must have been submitted to or repelled, and no man ought now to hesitate to decide as to what was the proper line of duty. But I have consumed too much time upon this interesting episode in the life of the distinguished man whose remains are to be to-day forever shut out from mortal view.

“Before the close of his congressional term, he was smitten by that mysterious disease that pursued him without relenting until the close of his life. In the year of 1856 he was elected by the people to be the governor of Illinois, but even before that event which afforded him gratifying proof of the affection and confidence of his fellow-citizens, it was manifest to his friends that his active career was ended. He brought to the administration of the state the resources of a clear and still vigorous mind and an earnest purpose to advance the public weal, but his stealthy foe did not release his grasp, and on March 18, 1860, quietly removed him from earth.

“I have thus briefly spoken of the dead, but not fully ;

have presented points in his history and character that are worthy of study and imitation—and now we leave these poor remains to rest here in peace until the great day when he and ourselves shall rise and stand together before the throne of the Eternal.

“Gentlemen, you who were charged by the state with the duty of designing this monument, have acquitted yourselves well. Governor Bissell was the official associate of some of you and the friend of all—your’s has been a melancholy duty, but on your part one of love. Accept the thanks of the people of the state through me for your fidelity to your sacred trust.”

CHAPTER XXIII.

The Chicago fire—Correspondence with Mayor Mason and the President—Messages to the general assembly.

I first heard of the great fire in Chicago at Auburn, in Sangamon county. I had gone to Carlinville on business, and was on my return to Springfield. After I had heard something of the extent of the fire, I telegraphed to General E. B. Harlan, my private secretary, to meet me at the train, prepared to go to Chicago. He did so, and I authorized him to draw on me for \$5,000, to be taken from the contingent fund of \$10,000 which was subject to the control of the governor, to be expended by him for contingent expenses. I instructed General Harlan to report to the mayor of Chicago. He did so; reached Chicago at 10 o'clock P. M., and without delay reported to the office of the mayor, but was told that he had gone to his home. He again visited the office of the mayor the next morning and met him, and upon information obtained there as to the public necessities, drew upon me for \$5,000 to be applied to the relief of the sufferers. At about one o'clock on the same day (October 9th), I telegraphed to the mayor the following dispatch:

“TO COLONEL R. B. MASON, *Mayor of Chicago*—Shall I send food for your people? Answer; tell me what I can do.

JOHN M. PALMER.”

At two-forty o'clock I received from the mayor the following answer:

“CHICAGO, *October 9, 1871.*

“TO JOHN M. PALMER—We want bread, cheese and cooked provisions; also tents for the houseless.

“R. B. MASON, *Mayor.*”

I at once caused two thousand hand-bills to be printed and circulated throughout Springfield, calling for contributions, and from purchases made by me and from contributions made by the people, I was able by eight o'clock to telegraph the mayor :

“SPRINGFIELD, *October 9, 1871.*

“R. B. MASON, *Mayor of Chicago*—Three carloads leave here at ten o'clock ; others follow to-morrow. Do you need potatoes, flour, etc., or can you buy better there if money is sent.

JOHN M. PALMER.”

On the morning of October 10th, finding that telegraphic communication with Chicago was suspended, and having no report from my secretary, I drew the sum of \$2,000 from the treasury of the state as part of the contingent fund, and forwarded it to Mayor Mason by Rev. F. H. Wines, secretary of the board of public charities. At twenty minutes past one o'clock of the same day, I received the following dispatch from General A. Stager :

“CHICAGO, *October 10, 1871.*

“TO GOVERNOR PALMER : *Sir*—The fire spent its fury in all directions yesterday afternoon after completely demolishing all the business part of the city on the south side north of Harrison street. Everything gone on the north side from the river and lake to Lincoln Park ; gas and water stopped. Great consternation and anxiety exists on account of the presence of roughs and thieves, who are plundering in all directions. Two incendiaries shot last night while in the act of firing buildings in the south side of the city. Strong southerly wind has prevailed since Saturday night ; at times blows a gale. A little rain fell last night. The mayor is now organizing a patrol ; the poor and houseless are suffering.”

I knew that General Stager was connected officially

with the telegraph lines and would receive my dispatch. I immediately answered him :

“CHICAGO, ILL., *October 10, 1871.*

“GENERAL A. STAGER : *Sir*—Please inform the mayor that if the presence of organized forces is necessary for the preservation of property and order, I will at once send two or three well-organized companies into Chicago. Thanks for your dispatch.

“JOHN M. PALMER.”

At half-past four o'clock, he replied :

“*October 10, 1871.*

“TO GOVERNOR PALMER : *Sir*—The mayor requests me to say to the governor to send men immediately by special train to report directly to the mayor, at No. 365 Michigan avenue.

ANSON STAGER.”

On the receipt of the last dispatch from General Stager, I directed the adjutant-general, Colonel Dilger, to issue the telegraphic orders to officers of organized militia that are appended to this report, marked 1, 2, 3, 4.

I at once prepared and issued the call for a special session of the general assembly to meet on October 13th, and telegraphed the call to members of both houses, and also addressed a letter to the mayor of Chicago in the following words :

“STATE OF ILLINOIS, EXECUTIVE DEP'T.

“SPRINGFIELD, *October 10, 1871.*

“COLONEL E. B. MASON : *Dear sir*—Colonel H. Dilger, adjutant-general, will leave here this evening with one company of militia and one thousand muskets. He will also, after reporting to you, organize for the preservation of order in your city. Colonel Dilger is an old soldier, has served under my eye on the field, and will preserve

order at all hazards. He has orders to enforce law, and has muskets enough to do it effectually.

“Respectfully, JOHN M. PALMER.”

The adjutant-general left Springfield at nine o'clock P. M., and reached Chicago at four o'clock on the morning of Wednesday, October 11th, with about two hundred well-armed men and two hundred and fifty muskets, and had one thousand additional muskets with ammunition, boxed, to be sent after him. Immediately and as early as six o'clock, he called upon the mayor, and at his request within a few minutes afterwards reported to Lieutenant-General Sheridan; and as other troops had in the meantime arrived, at eight o'clock he had three hundred and fifteen men on duty, and by four o'clock in the afternoon, he had five hundred and sixteen men well organized under the command of skillful and prudent officers and one battery of four guns, ready to enforce the laws or suppress disorder, and he could, within a few hours, have easily increased his force to two thousand men, if necessary. During October 10, 1871, I continued to exert myself to procure supplies for the destitute, and addressed to the mayor the following additional dispatch:

“SPRINGFIELD, *October 10, 1871.*

“TO E. B. MASON, *Mayor of Chicago*—Two car loads of bread, crackers, cheese and cooked meats left here for your sufferers last night; two car loads of potatoes and one of bread and meat, cooked, will leave here this morning.

JOHN M. PALMER.”

On the 11th of October, anxious for a class that are forgotten in time of excitement and confusion, I addressed to the Hon. Elmer Baldwin, chairman of the board of state charities, the following dispatch:

“SPRINGFIELD, *October 11, 1871.*

“HON. ELMER BALDWIN, *Chairman of Board of Public Charities*—Had you not better go to Chicago and see that

the ordinary objects of charity are not forgotten? Mr. Wines is there. Report the results of your visit.

“JOHN M. PALMER.”

At ten o'clock in the forenoon of the same day, I received from the adjutant-general the following dispatch :

“CHICAGO, *October 11, 1871.*

“TO GOVERNOR JOHN M. PALMER—The rumors received yesterday were exaggerated. The mayor did not know about the dispatches for troops ; referred me to General Sheridan, who desired me to march the men through town for the moral effect ; he has seven hundred United States troops here. I am waiting for your orders at Chicago and Alton depot. No more arms needed.

“H. DILGER.”

I was delighted with the information furnished me, and at once addressed to Lieutenant-General Sheridan the following dispatch :

“SPRINGFIELD, ILLINOIS, *October 11, 1871.*

“LIEUTENANT-GENERAL P. H. SHERIDAN, CHICAGO, ILLINOIS—Please inform me of the number of troops ordered into Chicago by you on account of the fire and that are now on duty in the city? Thanks for your promptness.

JOHN M. PALMER.”

I felt proud of the people who had suffered so much and had behaved so nobly, and, anxious to relieve them from the presence of even citizen soldiery, I ordered the one thousand muskets that were still in the depot at this place (Springfield) to be returned to the arsenal, and telegraphed General Dilger the following order :

“SPRINGFIELD, *October 11, 1871.*

“TO COLONEL H. DILGER, CHICAGO, ILLINOIS—If your services are not required, return as soon as you can.

“JOHN M. PALMER.”

I think it proper at this point that I should say that I do not believe that the least necessity for the employment of military forces in Chicago existed. During the night of the 8th of October and all of the 9th, while the fire still threatened to destroy the city, on the day and night of the 10th, while the streets were filled with the hungry and the homeless, the police, supported by a single battalion of state militia, who had tendered their services to the chief of the city police on the 9th of October, preserved order and enforced the law.

The only dangers that have threatened the tranquillity of Chicago were the fears of a part of its inhabitants, coupled with a distrust of the authorities provided by law. Some time during the afternoon of the 11th day of October, I received the following dispatch from Colonel Dilger :

CHICAGO, *October 11, 1871.*

“TO GOVERNOR PALMER—The city council and General Sheridan desire me to say that your presence here would have a very good effect. The city is, so far, quiet. I take charge of the north side, with our Springfield boys ; they behave very well.

“DILGER, *Adjutant-General.*”

At nine o'clock on the same day, I received from Lieutenant-General Sheridan the following answer to my dispatch to him :

“HEADQUARTERS MIL. DIV. OF MO., *Oct. 11, 1871.*

“GOVERNOR JOHN M. PALMER, SPRINGFIELD, ILLINOIS—Seven companies of the United States troops are here, or coming, and a regiment is being organized for twenty days' service, from the old soldiers of the city, which I think will be ample. Shall keep your volunteers for a day or so. Thanks for them. P. H. SHERIDAN.”

Before receiving General Sheridan's answer, I had determined to go in person to Chicago, and accordingly

took the first train, and reached there about eleven o'clock in the forenoon of the 12th, and called upon the mayor. At my interview with him, he assured me that the city was quiet, and being anxious about the position, as well as the comforts of the troops then in the city under my orders, I called upon Lieutenant-General Sheridan, and in his presence received the report of the adjutant-general and of Mayor Beardsley, of Rock Island, in whose judgment I had great confidence, and he concurred with their statement that quiet and order prevailed throughout the city, and I left with the expectation that the militia would at once return to their homes, and that the regular troops then in the city would be withdrawn when convenient.

Under these impressions, I left Chicago at nine o'clock p. m. of the 12th, to meet the general assembly, which was expected to assemble on the 13th at noon.

The general assembly convened on the 13th, but adjourned to meet again on the 15th, to legislate for Chicago. In the meantime, most of the members visited Chicago, and saw for themselves the extent of the ravages of the fire.

On October 16, 1871, I transmitted my message to the general assembly, in which I attempted to describe the great conflagration, but confess the poverty of the attempt. I said that "on the 8th day of the present month, a fire broke out in the city of Chicago, which in a few hours destroyed a large portion of the city. It is useless to attempt to describe the awful and saddening spectacle of the most wealthy and populous portion of our great city. The destroyer came suddenly, and under circumstances at once calculated to impress us with a sense of our littleness.

"Chicago is situated on a great lake, it is intersected by a river. It was provided with all the means of protection against fire that are the products of the united efforts of advanced science and skill of modern civilization, yet in the presence of the destructive element men

were powerless, and it pursued its course until nothing was left for it to destroy. In the course of this remarkable conflagration, which has already taken its place in history with the greatest calamities that have afflicted mankind, the flames, with unexampled fury, swept over the eastern part of the devoted city, destroyed many lives, consumed churches, hospitals, schools, dwellings, warehouses, stores, bridges and structures of every kind. Everything perished at their touch, and whole wards of the city were left without a house or an inhabitant.

“No reliable estimate of the number of lives lost can as yet be made, but the amount of property destroyed is estimated at three hundred million dollars. In view of the circumstances, I felt it to be my duty to convene a session of the general assembly, and accordingly, on October 10th, I issued the proclamation which I have had the honor to lay before you. . . . The first question to be decided by the general assembly, after a careful review of the situation, is, what can be done for the relief of the people, and for discharging the duties of the state?

“In finding an answer to this question, there are some difficulties and causes of embarrassment that are yet to be stated, and these are, that the court-house, jail and public offices and records of Cook county are destroyed. The tax-books are consumed, so that the collection of unpaid taxes cannot without great difficulty be enforced. The courts are powerless. The utmost confusion as to the titles of land must soon prevail. All the offices and most of the records of the city of Chicago are lost; still the question, what can be done by the state? presses for an answer, and all the wisdom, experience and patience of the general assembly is invoked to furnish a full, complete and satisfactory response.

“The general political proposition, that that government is to be regarded as the best that interferes with the people the least, will remain forever true, and ex-

perience has conclusively shown that intelligent men and women are, under all ordinary circumstances, more capable of providing for their own wants, managing their own affairs, and regulating their own conduct, than any government can be, however organized or administered.

“It seems to me, then, that the people of Chicago and Cook county who have suffered losses require nothing from the state but to be left free to employ their unexampled and unbroken energies to the great work of rebuilding their homes. They need no loans or gifts from the United States or the State of Illinois, and unless I greatly mistake them, they will ask no more than that the state shall assume the discharge of its own proper duties and relieve them from burdens that from their peculiar situation were always heavy, but have been cheerfully borne, so that they may be left to apply all their resources to their own great task.

“It is primarily the duty of the state to provide for the poor, the blind, the insane, and all other helpless classes, and for the enforcement of its laws everywhere within its limits. It is also its duty to provide for the construction of highways, building bridges and the support of schools. The State of Illinois has always recognized the obligations of these duties, and for the more convenient performance of many of them, counties, townships, cities, towns and other organizations have been established by law. They are but parts of the machinery employed in carrying on the affairs of the state, and the authority and duty of each are confined to certain well-defined territorial as well as legal boundaries, that may be modified or destroyed as the exigencies of the public may demand; and whenever from any cause any one of these agencies becomes unequal to the discharge of the duties assigned to them, or the public duties imposed upon them becomes too burdensome or oppressive on the people embraced within their limits, it is the

duty of the state to provide other means for their performance.

“It is a fact that requires no proof, that the county of Cook and the city of Chicago, two of the most important of the classes of the public agencies to which they respectively belong, are, from causes that are well understood, unable to continue the full discharge of all the duties that were imposed upon them. From an inevitable accident, their resources are diminished and their local burdens are vastly increased, so that they are no longer available to the state as governmental agencies for all the purposes for which they are created, and it follows from that fact, that to the extent that the requirements of such duties are in excess of the legal resources of the county and city, such duties must be assumed by the state, and the general assembly must devise other methods for their performance.

“It is a remarkable illustration of the difficulty of providing for every possible contingency by constitutional regulations, that certain of the provisions of the constitution of 1870 that were intended to restrict the powers of municipal corporations and were resisted upon that ground, will be found to operate to relieve the county of Cook and the city of Chicago of what would otherwise be intolerable burdens.

“Every part of the constitution abounds with proof, that its framers regarded the municipal organizations of the state as mere administrative agencies, and that they intended to deprive them of all emergent or discretionary authority, except within very narrow limits.

“By the twelfth section of the ninth article of the constitution, it is provided that ‘no county, city, township, school district or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount including existing indebtedness in the aggregate exceeding five per centum of the taxable property therein, to be ascertained by the last assessment for state and county taxes. . . .’ And by

the eighth section of the same article, county authorities are prohibited from assessing taxes the aggregate of which shall exceed seventy-five cents on the hundred dollars valuation. Then, whatever power to raise money for necessary public purposes the state has denied its local municipal organizations, it has reserved to itself to be exercised by the general assembly.

“The financial resources of municipal and local organizations are necessarily limited to their powers to contract debts and to impose taxes. When these powers have been exerted to the utmost legal or possible limit, and are inadequate to the complete performance of their duties to the state, they must be relieved of such duties altogether, for the accepted construction of the constitution forbids the general assembly to pay, or to assume the pay, or to become responsible for the debts or liabilities of, or in any manner give, loan or extend its credit to or in aid of any public or other corporation or individual whatever. (Section 20, Article 10, State Constitution.)

“This provision of the constitution was adopted for reasons well understood, and but few will doubt its policy or wisdom, and no one will, I apprehend, be willing to relax its stringency or narrow its interpretations by constructions however ingenious or plausible.

“It has been proposed to give immediate aid to the city of Chicago by discharging the lien of the city upon the Illinois and Michigan canal, authorized to be created by the act approved February 16, 1865, and it is claimed that, if the state should now refund to the city the amount of money secured upon the revenues of the canal, with the interest thereon, which would be, in round numbers, about three million dollars, the city would be enabled to rebuild its bridges and public structures, remove the obstructions from and repair its streets, pay the expenses of its government and other expenses

of its own organizations, and discharge its general duties to the state.

"I am not prepared to express an opinion upon the question, whether even that sum of money would be sufficient to supply all the essential wants of the city, but my impressions incline me to admit that it would; and I am prepared to say that while under ordinary circumstances, influenced alone by my views of the proper policy to be pursued by the state, I would not advise the acceptance of the option secured to the state in the fifth section of the act of 1865, to refund to the city the sum of two million and a half of dollars, with interest thereon, under present circumstances, if the money can be raised by any satisfactory means for the purpose, it seems to me proper that it should be done.

"The county of Cook alone has heretofore contained nearly one-sixth of the taxable property of the state, and a proportion of this, which falls very little short of the whole, was situated in the city of Chicago. Now, nearly one-half of the productive property of the city is destroyed and its present resources are crippled, but the day is not distant when its walls will be rebuilt, its wealth and population not only restored, but increased, and, instead of requiring aid from the treasury of the state, it will be again its chief resource; and money now appropriated to meet its necessities will be 'bread cast upon the waters,' to be gathered again after not many days." . . . After a long discussion of the methods of raising money for the relief of Chicago and Cook county, the message concluded by saying: "Invoking your sympathies for that portion of our people who have suffered such unexampled losses, I can only express my most earnest desire to co-operate with you in any proper plan that may be devised for their relief."

On October 19, 1871, the general assembly passed a bill appropriating the sum of two million, nine hundred and fifty-five thousand, three hundred and forty dollars (\$2,945,340.00), with interest thereon until paid, which

was approved by the governor on the 20th day of the same month.

The bill created a fund to be known as the "Canal Redemption Fund," and made a further provision, "that not less than one-fifth, nor more than one-third, of the money so appropriated shall be applied to reconstruct the bridges and public buildings and structures upon the original site, as already provided by the common council, and the remainder thereof to be applied to the payment of the interest on the bonded debt of such city and the maintenance of the fire and police departments thereof." It was passed with the emergency clause, and took effect from and after its passage.

The legislature met in formal session on November 15, 1871, when I transmitted to that body a message, in writing, containing certain suggestions, and announced the appointment of Gustavus Koerner, of St. Clair county; Richard P. Morgan, Jr., of McLean county; and David S. Hammond, of Cook county, as railroad and warehouse commissioners, and said: "In my selection of these gentlemen, I was influenced by a desire to combine in the board the requisite experience drawn from different pursuits and from different portions of the state." I added, "I have also the honor to submit to the general assembly, and through that department to the people of the state, a series of papers, that present the leading facts of transactions that are without example in the history of this or any other of the states."

On October 11, 1871, Lieutenant-General Philip H. Sheridan, of the United States Army, whose headquarters as commander of the Military Division of Missouri were in Chicago, under authority that he claims was conferred upon him by the proclamation of the mayor of the city, ordered several companies of the regular army of the United States into Chicago, and as lieutenant-general issued to Frank T. Sherman, a private citizen of this state, the following order:

“HDQRS. OF THE MIL. DIV. OF THE MISSOURI,

“CHICAGO, ILLINOIS, *Oct. 11, 1871.*

“GENERAL F. T. SHERMAN: *Dear Sir*—With the approbation of the mayor of this city, Lieutenant-General Sheridan directs that you organize a regiment of infantry, to consist of one (1) first and (1) second lieutenants, and sixty (60) enlisted men, to serve as guards for the protection of the remaining portion of the city of Chicago, for the period of twenty days.

“Very respectfully, your obedient servant,

“JAMES B. FRY, *Asst. Adj't-Gen.*”

This regiment was partly composed of companies of the state militia, ordered by Lieutenant-General Sheridan, or some of his subordinates, to report to him, or them, and recruits enlisted under their authority. An extract from the order of Lieutenant-General Sheridan mustering these troops out, will show its organization :

“HDQRS. OF MIL. DIV. OF THE MO., *Oct. 24, 1871, No. 5.*

“The 1st Regiment of Chicago Volunteers, raised with the approbation of the mayor, and in pursuance of orders dated October 11, '71, from these headquarters, is hereby honorably mustered out of service, and discharged.”

The discharge includes some eighteen organizations, and many organizations were composed of the militia. The oath taken by these troops was as follows :

“We, the undersigned, do severally swear that we will bear true faith and allegiance to the United States of America, and we will honestly and faithfully obey the orders of the officers appointed over us, and that we will use our best efforts for the protection of property and preservation of order in the city of Chicago, for the period of twenty days.”

Supported by this force, Lieutenant-General Sheridan proceeded to establish military rule throughout the city.

His guards were established, and his sentinels posted on the public streets, with orders from him, or some of his subordinates, to arrest citizens who might, in the judgment of such guards and sentinels, be suspicious persons, and to fire upon and wound any person who should refuse to obey their commands. And one citizen of the city, who was quietly passing along one of the streets, was ordered by a sentinel to halt, and upon his refusal to obey, was shot and mortally wounded. It was not thought by Mayor Mason or Lieutenant-General Sheridan to be necessary or proper to consult with or even inform me of their purpose to transfer the duty of protecting the lives and property of the people of Chicago, of the substantial government of the city, to the military forces of the United States, although I was in telegraphic communication with the mayor, as will appear by several dispatches, which will be hereafter mentioned, nor did either of them when we met on October 12th, and discussed the affairs of the city at some length, inform me that they had determined that the government of the state was no longer equal to its duties, or that the mayor had determined, as he had elsewhere said, to avail himself "of the strong arm of the military power of the United States."

Whether they supposed that to be a matter about which neither I nor the legislature, which was convened to meet here on the next day to legislate for Chicago, had the least concern, or that the assent of the legislature and the governor might be safely presumed, I am not prepared to say, but they left me to make the discovery as others did, so that I received no information of the existence of the proclamation of the mayor, or of Lieutenant-General Sheridan, of his powers under it, until October 17th, and only heard of the regiment raised under the orders of Lieutenant-General Sheridan at a later day, and from an application by a person who claimed to command one of its companies to be supplied with arms.

It may be imagined that the information of these extraordinary acts of the mayor and the lieutenant-general filled me with surprise, for I was conscious that I had put forth every effort and employed all my official power to aid the people of Chicago and preserve the peace and tranquillity. On Monday, October 9th, at noon, when I understood the fire still to be raging (and anticipating the probable necessity of official action that could best be done at the capitol), I had dispatched General Harlan, my secretary (in whose energy and prudence I have the highest confidence), to Chicago, with instructions to report to the mayor and inform him that all the resources of the state that were subject to my legal control were at his service for the protection of the people.

It is not to be denied that if I had been jealous of my authority or eager to find occasion for controversy, there was enough in the dispatches of Colonel Dilger and Lieutenant-General Sheridan to arouse my suspicions, but it did not occur to me until October 17th, when I received the first distinct knowledge of the mayor's proclamation and Lieutenant-General Sheridan's construction of his powers—that he claimed the right as military officer of the United States to command the militia sent by me to the city, and the authority to enforce a military police therein.

. . . On October 17th, I first heard of the existence of the mayor's proclamation, and on the 19th, I addressed him the following dispatch :

“SPRINGFIELD, ILL., *October 19, 1871.*

“HON. R. B. MASON, CHICAGO, ILLINOIS—What addition to your police force is necessary to enable you to dispense with the United States troops?

“JOHN M. PALMER.”

To which I received the following answer :

“HON. JOHN M. PALMER—I do not think any additional force will be necessary after the lapse of ten or fifteen days.
R. B. MASON.”

On October 20th, I addressed the mayor the following letter :

“STATE OF ILLINOIS, EXECUTIVE DEP'T.

“SPRINGFIELD, *October 20, 1871.*

“HON. R. B. MASON, *Mayor of Chicago* : Sir—The general assembly has now by ample appropriations provided for the support of a police force in Chicago that will be adequate to the protection of persons and property in the city, and I trust that no time will be lost in making all needful preparations for relieving the military force now on duty under the orders of Lieutenant-General Sheridan. It excited the greatest surprise, and has occasioned me the profoundest mortification that you failed to inform me, as you could easily have done by telegraph or through my private secretary, who reached Chicago on October 9th, of the necessity, in your judgment, for the employment of military forces for the protection of the city, and it has pained me quite as deeply that you should have thought it proper without consultation with me by telegraph or otherwise to have practically abdicated your functions as mayor.

“Happily, there is no necessity, either real or imaginary, for the longer continuance of this anomalous state of things.

“The United States troops are now there in violation of law. Every act of the officers and soldiers of the United States army that operates to restrain or control the people is illegal, and their presence in the city (except for purposes of the United States) ought to be no longer continued.

“It is due to you that I should confess that under the trying circumstances that surrounded you on the occasion of the late disaster, it was natural that you should be inclined to accept aid from any quarter to enable you

to afford protection to persons and property in your city, but I regret that it did not occur to you that your own powers under the laws were adequate to meet the emergencies, and that you were entitled upon notice to me to the support of the whole power of the state. From information that I have not been afforded an opportunity to acquire officially, I have learned that Lieutenant-General Sheridan has rendered valuable services, for which he deserves the thanks of the people of Illinois; but it would have been more satisfactory to them if he as a citizen, had given you the assistance of his eminent abilities to organize the people to act in conjunction with the civil officers for their own protection. That course would have been far preferable to that of concentrating a part of the army of the United States in Chicago, and the assumption by him of the substantial military control of the city. I hope you will at once inform Lieutenant-General Sheridan of your readiness to resume the complete government of the city.

“I have the honor to be, very respectfully, sir,

“Your obdt. servant, JOHN M. PALMER.”

In answer to this letter, I received the following :

“MAYOR’S OFFICE, CITY OF CHICAGO, *Oct. 21, 1871.*

“TO HIS EXCELLENCY, JOHN M. PALMER—Your letter of the 18th inst. (20th true date) has been received. Had your excellency, when in Chicago on the 11th and 12th of this month, informed me or Lieutenant-General Sheridan of your disapprobation of the course that I had thought proper to pursue in having on the (10th or 11th is the true date) solicited his aid in preserving the peace and order in the city, and protecting the lives and property of its inhabitants, satisfactory reasons could have been given to your excellency for so doing, many of which it would be unwise to make public.

“In the performance of my official duties, I believed that the emergency required me to take the step that I

did. I do not believe, when the lives and property of the people, the peace and good order of a large city, are in danger, that it is the time to stop and consider any question of policy, but if the United States, by the strong arm of its military, can give the instantly-required protection to life, property and order, it is the duty of those in power to avail themselves of such assistance.

“Before the receipt of your communication, I had already, upon consultation with other city officers, decided to dispense with military aid in a day or two, and I am happy to inform your excellency that on Monday, the 23d inst., your excellency will be relieved of all anxiety on account of the military in protecting the lives and property of this people.

“Very respectfully,

R. B. MASON, *Mayor.*”

On October 22d, I first heard of the death of Thomas W. Grosvenor, and determined that the affair should be investigated, and on Monday, October 23d, in company with Colonel H. Dilger, the adjutant-general, I visited Chicago to ascertain the facts.

I found the facts of the case to be very much as reported. Theodore N. Treat was a student at the Chicago University, and when the students were called out by Colonel Francis T. Sherman, to constitute a part of the regiment he was authorized to raise under the order issued by General Sheridan, Mr. Treat was included as a member of Company L, of the University Cadets. He was posted as a sentinel about three miles from the line of fire, and when Colonel Grosvenor was challenged by the sentinel, he disregarded the challenge, was fired upon by Treat, and mortally wounded, and died a few hours afterwards.

In an official letter to the attorney-general, and the state's attorney of Cook county, I advised that the facts be laid before the grand jury, with a view to an indictment against the parties contributing to the death

of Colonel Grosvenor. I said in my letter to the attorney-general :

“It seems to be certain, however, that immediately after the order or orders already mentioned were issued, Mr. Sherman assumed the military rank of colonel of the 1st Regiment of Chicago Volunteers, issued his own orders to several officers of the organized militia of the state, calling them and the members of their respective commands into service for the term of twenty days, and he also demanded, or accepted when tendered, the services of the students attending the Chicago University, who were in possession of arms furnished by this state. He organized the troops thus raised with others enlisted specially, required them to take an oath of enlistment of which you will be furnished a copy, and gave to the organization that included the students of the university the designation of ‘Company L, First Regiment of Chicago Volunteers,’ and thus Theodore N. Treat became a member of said company and regiment, and subject, as he supposed, to the orders of Lieutenant-General Sheridan and of Frank T. Sherman and of others appointed to command him. . . . It does not in my judgment admit of question, that if the orders of Lieutenant-General Sheridan authorizing troops to be raised, organized and employed in the city of Chicago, under the command of officers appointed by himself, can be supported upon any grounds afforded by the constitution or the law, and that Theodore N. Treat was a private soldier in any such lawful military organization, and that when he inflicted the wounds that occasioned the death of Thomas W. Grosvenor he was acting in pursuance of the legal orders of his proper military superiors, he as well as his superiors are guiltless of any legal offense.

“ . . . Nor can it be material in this aspect of the case whether his power to raise, organize and employ troops under the circumstances is one that pertains to his office as lieutenant-general, or that it resulted from

the proclamation of the mayor, for if his power is established by any mode, all the legal consequences before adverted to follow, and the killing of a citizen by armed men acting under his authority must be regarded as the necessary price of public safety.

“But if the orders of Lieutenant-General Sheridan are without constitutional or legal warrant, they are utterly void and afford no protection to any person for acts done in obedience to them. . . . No one will pretend that the power to raise, organize and employ troops, or to call the organized militia of the state into service, pertains to the office of lieutenant-general in the army of the United States. Nor will it be easy to find defenders for the opinion, if it should be expressed, that the mayor of a city can either exercise or impart such power to another. . . . They assumed to suspend the operation of the constitution and laws of the state, and substitute in their stead the law of military force, to be defined and applied by themselves. They, by their lawless acts attacked and insulted the dignity and authority of the state, and have, by their dangerous example, weakened public confidence in the constitution and the laws, and in their attempts to enforce usurped and lawless authority, they have sacrificed the life of a peaceable citizen. . . . I have to request that you, in conjunction with the state’s attorney of the seventh judicial circuit, will bring all the facts before the grand jury of Cook county, in order that all persons concerned in unlawful killing of Thomas W. Grosvenor may be brought to speedy trial.”

The grand jury of Cook county, under the lead of its foreman, Hon. C. B. Farwell, refused to find a bill of indictment against any of the parties, and even paid a compliment to General Sheridan for his conduct.

In order to the completion of the history of the operations after the “Chicago fire,” it is now necessary to mention another phase of the affair. In my message,

dated on December 9, 1871, I submitted to the general assembly the following papers :

1. A copy of a slip from the Chicago Journal of November 2, 1871.

2. Letter from the governor of Illinois to the president of the United States, dated November 3, 1871.

3. Answer to the president, dated November 9, 1871. Copies of papers transmitted by the president with his letter of November 9, 1871.

I. Proclamation of R. B. Mason, mayor of Chicago, of date, October 11, 1871.

II. Order issued by General Sheridan, dated October 11, 1871.

III. Telegraphic dispatch from Lieutenant-General Sheridan to the adjutant-general United States army, dated October 11, 1871.

IV. Telegraphic dispatch from Lieutenant-General Sheridan to the adjutant-general of the United States army, dated October 12, 1871.

V. Note from R. B. Mason, mayor of Chicago, to Lieutenant-General Sheridan, dated October 22, 1871.

VI. Note from Lieutenant-General Sheridan to R. B. Mason, mayor, dated October 23, 1871.

VII. Note from R. B. Mason, mayor, to Lieutenant-General Sheridan, dated October 23, 1871.

VIII. Order of Lieutenant-General Sheridan, dated October 21, 1871.

IX. Order of Lieutenant-General Sheridan, dated October 24, 1871.

X. Report of Lieutenant-General Sheridan to the adjutant-general United States army, dated October 25, 1871, with the indorsement of General W. T. Sherman thereon.

XI. Communication of Messrs. Wirt, Dexter and others to Lieutenant-General Sheridan, dated October 28, 1871.

XII. Communication of Lieutenant-General Sheridan to the adjutant-general United States army, dated October 29, 1871.

XIII. Telegraphic communication from General W. T. Sherman to Lieutenant-General Sherman, dated October 31, 1871.

XIV. Military orders.

XV. Letter from the governor of Illinois to the president of the United States, dated November 20, 1871.

XVI. Letter from the president of the United States to the governor of Illinois, dated November 25, 1871.

We give the contents of the slip from the Chicago Journal.

“It is telegraphed from Springfield that Governor Palmer is decidedly opposed to United States troops being stationed at or near Chicago, and will oppose any such interference of his right as commander-in-chief of the military of Illinois. We do not believe when the governor knows the circumstances he will do any such thing.

“The officers of the relief society, together with a large number of our most prominent citizens, signed an application to General Sheridan to station some of the troops under his command at or near Chicago, to be used in case of emergency. The large supplies the relief society will have in store during the winter were not deemed safe, besides threatened strikes in some quarters indicated that laborers willing to work might not be allowed to do so. General Sheridan referred the appeal of our citizens, with his favorable judgment, to the secretary of war, who immediately ordered four companies of the 8th United States Infantry from New York to Chicago, and they will arrive to-morrow morning, subject to the call of the authorities should the necessity unhappily arise for their use. Only this and nothing more. That the government has the same right to establish a military post near Chicago that it has near St. Louis and New York and other cities, the most sensitive head of the militia of a state cannot question. That the authorities can call upon the government to assist in preventing a threatened outbreak or

in putting one down has been often demonstrated, and the people of Chicago have a right to the security which the presence of these troops affords them, no one with a grain of sense will pretend to question.'—*Chicago Evening Journal*, November 2, 1871.

“No. 2.

EXECUTIVE DEPARTMENT,

“SPRINGFIELD, November 3, 1871.

“HIS EXCELLENCY U. S. GRANT, PRESIDENT OF THE U. S.

“*Sir*—I have the honor to inclose you a printed slip cut from the ‘Chicago Journal,’ a highly respectable paper published in Chicago, and respectfully ask your attention to its contents.

“My apology for troubling your excellency with a paper of the character of that inclosed is that it is stated therein that four companies of the 8th United States Infantry have been ordered from New York to Chicago and will arrive there to-morrow (to-day) subject to the call of the authorities, and that the reasons for ordering troops to Chicago are, that the large supplies the relief society will have in store during the winter were not deemed safe, besides threatened strikes in some quarters indicated that laborers willing to work might not be allowed to do so, and that an application stating these facts was signed by the officers of the relief society and other citizens, presented to General Sheridan, and by him approved, and referred to the secretary of war.

“In addition to this, rumors in the form of telegraphic dispatches from Washington and Chicago have reached me that troops were ordered to Chicago for purposes connected with the safety of property and the preservation of order in the city, but no information of the existence of the dangers alluded to have reached me from any quarters whatever.

“I cheerfully concede that it is for the president to designate the stations of the troops composing the army, and that he is under no obligations founded upon the constitution or the laws, or upon the rules of official

courtesy, to communicate his orders or the reasons that influenced him in making them to the governors of any of the states, unless the orders in question or the presence of the troops are intended in some way to affect or influence the internal affairs of the particular state to which the troops are sent.

“In the latter case, it will readily occur to you that the governor of the state, whose duty it is to enforce the laws, is deeply concerned for the troops, and the orders under which they are to act may operate to diminish or greatly increase the difficulties of his official position. I am happy in the consciousness that the authorities of the State of Illinois are abundantly able to protect every interest of the people that depends upon its internal peace and good order, and am unwilling to believe that the president of the United States, acting upon information of a contrary character communicated by private citizens to an officer of the army, has ordered any portion of the army into this state to be subject to a call of the authorities either to protect the store houses of the relief committee or to interfere with the possible, though not probable, strikes of laborers.

“I therefore deem it due to the importance of the subject frankly to inquire of your excellency whether the troops ordered to Chicago are intended or instructed to obey the call of any authorities of the State of Illinois or the city of Chicago, or in any way whatever to assume the protection either of property or the preservation of order in that city.

“I have the honor to be, with great respect,

“JOHN M. PALMER.”

To which letter there was the following answer :

“EXECUTIVE MANSION, WASHINGTON, D. C.

“November 9, 1871.

“HIS EXCELLENCY, JOHN M. PALMER, *Governor of Illinois*: Sir—I am in receipt of your letter of the third

inst., inquiring the nature of the orders, etc., under which four companies of United States troops have been ordered to the city of Chicago, and asserting your ability as executive officer of the state to furnish all the protection asked in the appeal of the citizens of Chicago for these troops.

“In reply, I enclose you a copy of the appeal, of General Sheridan’s remarks thereon, of the orders given in sending the troops, and of all the correspondence between General Sheridan and the authorities here since the great fire which laid so much of the wealth of Chicago in ashes.

“I will only add further that no thought here even contemplated distrust of the state authorities of the State of Illinois, or lack of ability on their part to do all that was necessary, or expected of them for the maintenance of the law and order within the limits of the state.

“The only thing thought of was how to benefit a people stricken with a calamity greater than had ever before befallen a community of the same number in this country.

“The aid was of a like nature with that given in any emergency requiring immediate action.

“No reflections were contemplated or thought of affecting the integrity or ability of any state officer or city official within the limits of the State of Illinois to perform his whole duty.

“I have the honor to be, with great respect, your obedient servant,

U. S. GRANT.”

PROCLAMATION.

“The preservation of the peace and good order of the city is hereby intrusted to Lieutenant-General P. H. Sheridan, United States Army.

“The police will act in conjunction with the lieutenant-general in the preservation of the peace and quiet of the city, and the superintendent of the police will consult with him to that end. The intent hereof being

to preserve the peace of the city without interfering with a function of the city government.

“Given under my hand, this 11th day of October, 1871.
“R. B. MASON, *Mayor*.”

No. 4 copied elsewhere.

[Telegram.]

“CHICAGO, ILLS., Oct. 11, 1871.

“GENERAL E. G. TOWNSEND, *Adjutant-General*—There was some excitement here yesterday and last evening, but it is now quieting down. Some of the troops from Leavenworth and Omaha are coming in. I have taken the necessary steps to meet the conditions of affairs here.

“P. H. SHERIDAN, *Lieutenant-General*.”

[Telegram.]

“CHICAGO, ILLS., Oct. 12, 1871.

“GENERAL E. D. TOWNSEND, *Adjutant-General*—As there may be some trouble there when the banks have to settle with their depositors, and to keep down excitement, I have deemed it best to ask General Halleck for four (4) companies of infantry which he has notified me he has in readiness at Louisville.

“P. H. SHERIDAN, *Lieutenant-General*.”

“CHICAGO, ILLS., Oct. 22, 1871.

“LIEUTENANT-GENERAL P. H. SHERIDAN, U. S. A.—Permit me to tender you the thanks of the city of Chicago and its whole people for the very efficient aid which you have rendered in protecting the lives and property of the citizens, and in the preservation of the general peace and good order of the community.

“I would like your opinion as to whether there is any longer a necessity for the continued aid of the military in that behalf.
R. B. MASON, *Mayor*.”

“HEADQUARTERS MILITARY DIV. OF THE MISSOURI,
“CHICAGO, ILLS., *Oct. 23, 1871.*

“HON. R. B. MASON, *Mayor*—Sir, I have the honor to acknowledge the receipt of your kind note of the date of yesterday, and in reply beg leave to report a good condition of affairs in the city. If your honor deems it best, I will disband the volunteer organizations of military on duty since the fire, and will send the troops of the regular army to their homes, and will consider myself relieved from the responsibility of your proclamation of the 11th instant.

“With my sincere thanks for your kindness and courtesy in my intercourse with me, P. H. SHERIDAN.”

“MAYOR’S OFFICE, CHICAGO, *Oct. 23, 1871.*

“LIEUTENANT-GENERAL P. H. SHERIDAN, U. S. A.—Upon consultation with the board of police commissioners, I am satisfied that the continuance of the efficient aid in the preservation of the order in this city which has been rendered by the forces under your command, in pursuance of my proclamation, is no longer required.

“I will therefore fix the hour of 6 P. M. of this day as the hour at which the aid requested, shall cease. . . .

“I am, etc., R. B. MASON, *Mayor.*”

No. VIII has been described, and No. IX is the order for the regular troops to return to their stations, but No. X is a communication from General Sheridan to the adjutant-general of the United States army. It is dated Chicago, October 25th, and is as follows :

“The disorganized condition of affairs in this city, produced by and immediately following the late fire, induced the city authorities to ask for assistance from the military forces, as shown by the mayor’s proclamation of October 11, 1871. (Copy herewith marked ‘A.’)

“To protect the public interests entrusted to me by the mayor’s proclamation, I called to this city Companies A and K of the 9th Infantry, from Omaha ; Companies

A, H and K of the 5th Infantry, from Fort Leavenworth ; Company I of the 6th Infantry, from Fort Scott, and accepted the kind offer of Major-General Halleck to send to me Companies F, H and K of the 4th, and Company E of the 16th Infantry, from Kentucky.

“I also, with the approbation of the mayor, called into service of the city of Chicago a regiment of volunteers for twenty days. (A copy of this call inclosed herewith marked ‘B.’) These troops, both regulars and volunteers, were actively engaged during their service here, in protecting the treasure in the burnt district, guarding the unburnt district from disorders and dangers by further fires, and in protecting the store-houses, depots and sub-depots of supplies established for the relief of the sufferers from the fire.

“These duties were terminated on the 23d inst., as shown by letters herewith, marked C, D, E ; and on the 24th inst., the regulars started to their respective stations, and the volunteers were discharged, as shown by Special Orders No. 76 and General Orders No. 5, from these headquarters. . . .

“Very respectfully, P. H. SHERIDAN.”

This paper was indorsed as follows : “Respectfully submitted to the secretary of war.”

“The extraordinary circumstances attending the great fire in Chicago made it eminently proper that General Sheridan should exercise the influence, authority and power he did, on the universal appeal of a ruined and distressed people, backed by their civil agents, who were powerless for good. The very moment that the civil authorities felt able to resume their functions, General Sheridan ceased to exercise authority, and the United States troops returned to their stations.

“General Sheridan’s course is fully approved.

“W. T. SHERMAN, *General*.

“Seen by the secretary of war.

“JOSEPH POTTS, *C. C. W. D.*”

“CHICAGO RELIEF AND AID SOCIETY, *Oct. 28, 1871.*

“LIEUTENANT-GENERAL P. H. SHERIDAN : *General*—The undersigned respectfully and urgently request that you will cause four companies of United States infantry to be stationed at or near this city until it shall appear that there is no danger of attack by disorderly persons upon the depots of the Relief and Aid Society, or other riotous proceedings for which the recent appalling calamity may have paved the way. We believe that the presence of a small military force in this vicinity would at the same time deter any evil disposed persons from organizing a breach of the peace, and reassure the public mind to an extraordinary degree.

We are, general, your obt. servts.,

“WIRT DEXTER, Chmn. Exec. Com. Ref. and A. So.

“JOSEPH MEDILL, Editor Tribune.

“W. F. COOLBAUGH, Prest. of the Union Nat. Bk.

“H. K. EAMES, Prest. Commercial National Bank.

“F. IRVING PEARCE, Prest. of Michigan Nat. Bank.

“C. H. BECKWITH & SONS, 140 Michigan avenue.

“J. W. PRESTON, Prest. of Chi. Board of Trade.

“CHARLES RANDOLPH, Sec. of Chi. Board of Trade.

“E. HENGERLAND, Illinois River Elevator.

“HORACE WHITE, Chicago Tribune.

“CHARLES L. WILSON, Chicago Journal.”

“HDQS. MIL. DIV. OF THE MO., CHI., *Oct. 29, 1871.*

“BRIGADIER-GENERAL E. D. TOWNSEND, *Adj.-Gen.*—Almost before the great conflagration in this city had exhausted itself, I saw the necessity for having a few companies of regular troops here for the preservation of the public peace and the protection of property and treasure. Their services were invaluable, but as soon as the excitement subsided, the old city government desired to again take charge, and of course I sent the troops home, although it had been my intention to keep four companies here during the winter.

“The result has been, that the troops were no sooner

gone than the turbulent spirit commenced to manifest itself, and seems to be increasing. I have, therefore, been solicited by Mr. Joseph Medill, the incoming new mayor, and other prominent citizens, to again bring to the city for the winter four companies of infantry.

"I am satisfied of the necessity of their presence here, and ask the authority of the secretary of war to bring them. Please answer by telegram.

"Your obt. servant, P. H. SHERIDAN, *Lieut-Gen.*"

[Telegram.]

"HDQRS. OF THE ARMY, WASHINGTON, Oct. 31, 1871.

"GENERAL P. H. SHERIDAN, CHICAGO—Four companies of the 8th Infantry are ordered to Chicago to act as police under your letter of the 29th inst.

"W. T. SHERMAN, *General.*"

[Telegram.]

"GENERAL GEORGE C. MEAD, PHILADELPHIA—Order four companies of 8th Infantry with field officer to Chicago to report to General Sheridan in person.

"W. T. SHERMAN, *General.*"

The order, "Special Order No. 63," is omitted—and I here copy my letter of November 20th to the president of the United States :

"*Sir*—I have the honor to acknowledge the receipt of your letter of the 9th of November, in reply to mine of the third of the same month, also copies of papers forwarded to me by your direction.

"I have read your excellency's letter and examined the papers received with great attention, and while I am not insensible of the kindness which prompts you to disclaim all distrust of the authorities of the State of Illinois, or of their ability to do all that may be necessary or expected of them for the maintenance of law and order within the limits of the state, I have been unable to find anything in them to justify the extraordinary

measure of ordering four companies of United States troops into this state to report to Lieutenant-General Sheridan to act as police under his orders.

“It seems to me to be very well settled, as a principle of American public law, that the duty of protecting persons and property and the preservation of public order and peace against the efforts of disorderly persons, or from local internal disturbance, is the peculiar and exclusive duty of the states with which the government of the United States has no concern, and in which it cannot interfere except upon the application of the legislature or the executive of the state, as contemplated by the fourth section of the fourth article of the constitution, and any attempt by the officers of the United States to employ any part of the military forces, as proposed by the gentlemen who made the application, for four companies of infantry to be stationed at or near Chicago for an indefinite period, and approved by Lieutenant-General Philip H. Sheridan in his letter to the adjutant-general of the 29th of October, and by General W. T. Sherman by his telegraphic communication to Lieutenant-General Sheridan of October 31, 1871, must be improper because violative of the constitution and the laws. I am not at all forgetful that your excellency says that ‘what was done in respect to ordering the troops to Chicago was upon the ground of emergency to aid a people who had suffered greatly ;’ but in this view it seems to me that the general commanding the army overlooked the fact that the disastrous fire at Chicago did not relieve the State of Illinois from any of its duties, nor transfer any of them to the government of the United States.

“Emergencies that demand extraordinary efforts often occur in the history of governments, but I do not remember another instance in our history when it was held that an event that created a sudden demand upon the powers and resources of a state operated to transfer any portion of the duties of the state to the United States.

“The great fire at Chicago ceased on the 9th of October, and the executive of the State of Illinois, under the belief that the disaster created an ‘emergency,’ provided for by the constitution of the state, convened the general assembly to meet in session on the thirteenth day of that month to make legal provisions to meet all the requirements of the occasion, and on the 19th day of October that department appropriated from the treasury an adequate sum to maintain a sufficient police force for the protection of every interest of the people. The emergency was thus provided for by the proper department of the proper government. The state enlarged and strengthened its own agencies for the enforcement of its own laws to meet the requirements of the new situation. The same calamity deprived the United States of its custom house, its post-office, its court room and records, and threw upon that government the duty of adopting measures to supply the loss; but it has not occurred to the authorities of the state that the losses of the United States or the interruption of its business has so far changed the relation of the federal and state system as to cast any portion of providing for any of the wants of the United States upon the State of Illinois, and they are as little able to understand how it is that events that cannot operate to enlarge the powers of the government of the state should operate to confer upon a lieutenant-general of the army the authority to interfere in matters of purely state concern, or to authorize the general commanding the army to recognize and approve the lieutenant-general, and order four companies of the United States troops to report to him to discharge the mere duties of police.

“I do not, of course, propose to discuss with your excellency the question of the relative rights and powers of the United States and of the states under the constitution, for I will not anticipate the possibility of a difference of opinion upon the point that the duties of the executive officers of the two systems are defined so ac-

curately and are kept so distinct by written constitutions and laws that there is no possibility of a conflict between them.

“The duty of the president is to see that the laws of the United States are enforced, and that of the governor of Illinois is confined to the enforcement of the laws of the state. Neither obstructs the other, nor aids nor interferes with his duties. The governor of the state derives none of his powers from the United States, nor are his duties subject in any respect to the consent or discretion of the president, who can, in no wise, enlarge, abridge or interrupt them by either assuming them himself or by entrusting them to others.

“As these opinions seem to me to be incontrovertible, I cannot doubt that the orders of the United States troops to act as police or to otherwise interfere in the affairs or duties of the state or any of its officers were made without reflection, and that the troops will be at once withdrawn from this state, or that the orders from their government will be so modified as to prohibit their employment as police or in any other way interfere with any of the duties or functions of any of the officers created under the laws of this state.

“The State of Illinois cannot accept their aid or permit their interference in its affairs without a sacrifice of the confidence of its citizens, nor without giving countenance to a dangerous example.

“Respectfully, your obedient servant,

“JOHN M. PALMER.”

General Grant replied on November 25th, as follows :

“*Sir*—I have received your letter of the 20th inst., and have referred it to the secretary of war, with directions to inform General Sheridan that if the troops under his command have received any orders which in any way conflict with the provisions of the constitution

or the laws of the State of Illinois, he is instructed to rescind them.

“Very respectfully yours, U. S. GRANT.

“TO HIS EXCELLENCY, JOHN M. PALMER, *Governor of Illinois, Springfield, Illinois.*”

My expectation of future exemption from military interference was based upon the belief that the authorities of the state had already done enough for the maintenance of law and for the protection of all the interests of the people of Chicago to merit their full confidence, and that the local officers were then so alive to their duties and so confident in the support of a powerful state that no room would be left for external intervention. Everything, indeed, had been done for the aid of the people of Chicago that was possible, and if all were not secure, it was because the resources of civil government were not equal to their necessities. . . .

General Grant, General Sherman and General Sheridan are dead, and I forbear to criticise their acts. I content myself with furnishing the documents and papers which give a history of the Chicago fire and of the controversies which it originated.

CHAPTER XXIV.

Meeting of the legislature in 1874—End of my term of office—Provision for education—Defense of grand juries—Mobs—Newspapers—Change of venue—Challenge to jurors—Pardons—Change in criminal law suggested—The poor—Suggestion of an officer to represent poor prisoners—The railroads.

On January 8, 1873, the general assembly of the State of Illinois convened in its biennial session. On the tenth day of the same month the two houses, in pursuance of the constitution, met and canvassed the votes cast at the preceding election for state officers, and found that Richard J. Oglesby had received for the office of governor 237,774; Gustavus Koerner, 197,094; and B. G. Wright, 2,185 votes.

Governor Oglesby was on January 13, 1873, duly inaugurated, and upon that event my connection with the office of governor ended. By the constitution of the state it is made the duty of the governor, at the commencement of each session, and at the close of his term of office, to give to the general assembly information by message of the condition of the state, and also to recommend such measures as he shall deem expedient. This constitutional duty I had discharged on the day of the opening of the session, by a message in writing. In the message I alluded to the prosperity and growth of the state, I said:

“In all the material elements essential to its future growth and prosperity, the State of Illinois has nothing more to desire. Nor can it be asserted that the people of the state have been unmindful of their social duties, for public provision for the education of all the children of the state is already made, and will hereafter keep pace with advancing public wants, while institutions intended for the purposes of advanced education and higher

culture are increasing in number, and are widening their field of usefulness, and though our general system for the poor and permanently helpless classes is not complete, nor yet entirely satisfactory in its methods or results, the people of the state have cheerfully submitted to all taxes imposed upon them for that class of objects, and have gone beyond their representatives in demanding that nothing required by the most enlightened humanity for the relief or maintenance of objects of public charity shall be left undone."

I then added, that which I repeat now with the utmost satisfaction: "That notwithstanding my extensive intercourse with the people of this state during my official term, I have never heard from any person a murmur against any tax actually levied or proposed for the benefit of the afflicted or helpless. . . ."

I also in this message referred to the prevalence of *mobs*, and enumerated instances of such outrages. I said: "That in every instance of outrage by mobs, I had offered a reward of one thousand dollars from the contingent fund for the apprehension and conviction of the perpetrators of such murders. I denounced the leaders of mobs, and characterized them as cowards, who, to indulge private and personal resentments, organize and direct the passions of the people to the commission of crimes."

Then, as now, the administration of the criminal laws of the state commanded a large share of public attention. The newspapers, especially those published in Chicago, complained of the failure of public justice, and there were public meetings which adopted resolutions condemning the alleged increase of crime in the cities of the state, and especially in Chicago.

After the great fire in Chicago there was less of crime than there had been before. I therefore said: "That considering the extraordinary circumstances of the almost total destruction of the city within little more than a year past, and the great influx of population from every quarter the laws are enforced, and order is as well

maintained in Chicago as in other great cities of the country." I also said: "It is true some startling examples of fraud in commercial circles have occurred in Chicago that are in their influence, more disastrous to the morals, the business and the character of the people of the state than is the aggregate effect of many minor offenses." I added, "that the commercial frauds to which I alluded, seem to be characteristic of the period."

There was at that time an extensive belief that crimes of a homicidal character were increasing in frequency, and in the eagerness of many, propositions were made to reform the criminal laws of the state.

One class of reformers proposed the abolition of grand juries, and that state's attorneys should by information accuse of crimes and misdemeanors.

In the second place, it was proposed to take from persons charged with crime the right to a change of venue; thirdly, it was proposed to disallow challenge to jurors to persons charged with crime, upon the ground of an opinion formed from information obtained from printed publications, or, as it was urged by some, that no challenge should be allowed if the proposed juror would swear that he would try the case fairly, notwithstanding any opinions he had formed.

Another proposition was made to make death the penalty in all cases of conviction for murder; and then followed the proposition to deprive the governor of the power to pardon offenders after conviction. I said in my message that "to those who have such confidence in mere legislation that they assume every abuse may be corrected and every evil repressed by laws; and to that other class, ignorant of the origin, history and reasons of the institutions, rules and methods of procedure proposed to be abrogated or changed, and who welcome every change in the existing laws as an improvement, all the alterations proposed will be acceptable, but others will remember that the grand jury, 'one of the "institutions" of our free-spirited fathers, and most of the

formal and carefully-guarded rules of criminal procedure that are now the subject of complaint were devised to protect the lives and liberties of the people against the aggressions and encroachments of power,' and others, like that of confiding the measure of punishment for murder to the jury, are the results of the observations of men of the most profound knowledge and the largest experience in the administration of criminal law.

"They are parts of a judicious and well-settled system, not perfect, but that combines greater advantages for the prompt administration of justice, with the proper guards for the rights of the citizens, than any that exists in any country, or under any form of government."

. . .

"In view of the necessity that has always been admitted to exist for careful regulations for the protection of individuals, it is painful to witness the mistaken zeal that prompts a portion of the public press and influential public bodies to urge fundamental changes, simply that citizens may be made more defenseless when pursued by the authorities of the law upon accusations of crime.

"Every change in the criminal laws that deprives parties accused of the means for obtaining an impartial trial, or that proposes to substitute discretion of a judge or of a state's attorney for fixed and well-defined rules of law or settled modes of procedure, is a sacrifice of the safety of the citizen. Happily, except on occasions when the public mind is excited by appeals to popular fears or prejudice, the passions of the American people are not cruel, but who is prepared to say that when a citizen may be put on his trial upon a charge that involves his life, in the midst of a community filled with prejudice against him, without the power to demand of right the removal of his trial to an impartial vicinage, with no right of continuance to await a better state of public sentiment or to obtain evidence, no challenge to his triers upon the ground of opinions formed against him—death, the inevitable consequence of conviction, and the

governor without the power, even the clearest facts, to avert the bloody sentence, the vindictive prejudice of some community may not demand a victim. . . .

“The ‘institution’ of grand and petit juries is an essential part of the judicial system of a free state. Theorists, who can demonstrate that the rule of a single wise man is better than that of the multitude, and law reformers who would substitute the discretion of a state’s attorney or a judge for the deliberations of a grand jury or fixed rules of procedure, alike forget that no method of election has yet been devised that will insure the choice of the wisest for rulers, state’s attorneys or judges, nor do they attach enough importance to the fact that in a republic no system of laws can be devised that, without endangering the public liberties, will be effective for the prevention and punishment of crimes, unless the laws provide for the participation of the people in their administration, and that neither public nor private rights can be secured when they are in any important senses subject to the discretion of any ruler or magistrate. . . . It is at once the vice and weakness of wealthy and prosperous communities that a majority of those who should be the most capable and useful citizens, from purely selfish reasons, prefer to delegate the discharge of their most important public duties to others, and experience has demonstrated that whether the mercenaries, who undertake the protection of the public interests, or who by the indifference of the people are allowed to seize control of public affairs, are the hired soldiers of a standing army or the traders in offices, who cajole, neglect and plunder the people. The result is the same—the degradation of the laws, contempt for public justice, in the end, all the securities for life and liberty are destroyed.”

I further said: “I have no doubt of the right of the state to put persons to death who, by their own deliberate, criminal acts, make that course necessary for the public safety, nor do I question the existence of the right

to inflict the death penalty as a punishment for crime, but I am quite as decided in the conviction that that mode of punishment has but little influence to deter from the commission of crime, and that on the other hand, it is a worn-out vestige of barbarism that hardens and depraves the people. Deliberate homicide by public authority has much greater influence to weaken respect for human life than the commission of murder by lawless persons, and it is remarkable that the ecclesiastical bodies, and that portion of the so-called religious and secular press that demand the more frequent infliction of death by judicial sentence, concede the whole point in dispute when, impressed with the horrible and depraving influence of public executions, they insist upon excluding those from the spectacle who are to be impressed by the example. . . . It may also be true that monsters of crime may sometimes be found whose extermination is demanded, not to vindicate the authority of the law, but the dignity of human nature. It would not, therefore, be judicious for the state to renounce the power to inflict death as a punishment for crime, but the propriety of the exercise of the power in any instance can best be determined by a jury drawn from the body of the people." I said: "The executive authority to grant pardons, reprieves and commutations is made by the constitution absolute, and to be exercised by him at his discretion, and, like all discretionary powers confided to public officers, is extremely liable to abuse. And yet I refused to approve a bill which created a board of pardons, believing then, as I do now, that where the constitution of the state confides a power to a particular officer, he ought to exercise it without dividing his responsibility. I believe the present board of pardons is extra-constitutional, and that the present governor approved the bill which created it in order to relieve himself from his constitutional responsibilities."

In my message, I said: "I have exercised the pardoning power in proportion to the whole number of con-

victions in the state more sparingly than any of my predecessors, and I am satisfied that I have done so in improper cases. But I have had the satisfaction of releasing persons from the penitentiary after they had furnished me with the most unquestionable proof of their innocence of the alleged crime of which the jury had found them guilty. I have by pardons shortened terms of imprisonment that were certified to me by the judges and juries imposing them to be excessive, and I have, in more than one instance, interfered for the relief of the poor and ignorant who were the victims of the arts of designing persons. . . . We know that the blindness of legal justice is but a fable, and that though the laws in their letter and spirit are just, humane and equal, as a practical fact the wealthy and influential do disregard them with a measure of impunity not permitted to the poor and friendless.

“We know, too, that the jails, into which those who are accused of the commission of crime and are unable to furnish bail are crowded, are moral pest-houses, where vice is taught to the most innocent and the guilty made more depraved. We know that instances are not wanting in which jailers or their subordinates alone, in conjunction with some of a class of professional men who ‘dishonor law and disgrace the courts,’ who tolerate their presence, have defrauded friendless prisoners of all their possessions, and have then delivered them over to a certain conviction. . . . I have pardoned some of this class of unfortunates upon the ground that if the state cannot protect them, it ought to make them the reparation of forgiveness.” I repeat, that I further said: “No subject is more worthy of attention of the representatives of an enlightened Christian people than the imperfect progress made by the laws of the state for the protection of the poor, the ignorant, the inexperienced and the friendless in the criminal courts. The evil is most apparent in the cities and populous counties of the state. Each year the population of the state is increased

by emigrants from all the nations of Europe and from every state of the Union, who are of every grade of character and of every degree of intelligence. Of the thousands who come into the state, many are ignorant of our language and our laws, and many are upon their arrival poor and often ill, dispirited and inexperienced.

“In the cities the missionaries of vice are ever active, and its temples are always open, and from their doors none are ever driven away; to these the inexperienced and unwary are tempted, or from want of employment the irresolute are impelled to the commission of crime, or often they are made the dupes and instruments of those with whom crime is a trade, or being strangers and friendless they are readily suspected, and when arrested they are unable to find bail, and are committed to jail, and if indicted the judge, however humane and considerate, is compelled to entrust their defense to some lawyer without standing or experience in his profession, and conviction follows, for there is no one to demand justice or implore mercy.

“It is time that the practice of delivering the living bodies of poor prisoners to legal students for professional instructions was abandoned, and I insist that provision should be made by law for the election or appointment in the large cities and populous counties of the state, of suitable persons whose duty it should be to visit the places where persons are confined upon criminal charges, confer with and advise poor prisoners, protect them from oppression and extortion, attend examinations, investigate charges against them, advise with injured parties and the courts and state’s attorneys with a view of the dismissal of the prosecutions, when the ends of justice would by that course be promoted, or with reference to the proper measure of punishment in cases where the punishment is discretionary with the judge, or in proper cases alone, or in conjunction with the counsel assigned by the court to manage their defense. A proposition to

provide for the appointment of an officer to watch the administration of the laws, from the standpoint of those who are accused of the crime, is novel, but everyone familiar with the administration of the criminal laws of the state is fully aware of the fact that a truthful statement of all wrongs inflicted upon persons charged with offenses, would prove that many crimes have been committed in the name of the law." It seemed to me then, and I have always held, that an officer should be appointed and paid, from the public treasury, whose duty it should be to visit the jails or other places where people charged with the commission of crimes are confined, and confer with such persons, and such conference should be private, and the officer appointed to visit and confer with prisoners should not be permitted to disclose information derived from their admission or explanation.

"At the same time as a *quasi* judicial officer, he should have the right to advise the judges and state's attorneys on the point of the guilt of poor prisoners, and as to the measure of their punishment.

"The legal theory is, that the judges are the counsels of prisoners, but they are obliged to act through others. It would complete our system of judicial justice that the judges and state's attorneys could be provided with an officer whose duty it should be to investigate charges against poor prisoners, and make such recommendations as might appear to them to be proper." I added: "An important exception to the general disposition to obey the laws, which prevails throughout the state, is found in the refusal of common carriers of passengers and freight by railways to obey the constitutional and legal enactments provided for the regulation of their important interests, and the people of the state aware of the refusal of this class of persons to obey the law, and of the mischiefs their contempt of the authority of the state produces, look to the general assembly, and make further and efficient efforts to provide a remedy.

"The report of the railroad and warehouse commis-

sioners is now in the hands of the printer, and will be laid down before the general assembly as early as possible, will contain full information as to the pretensions of the railway managers, and of the efforts made by the commissioners of the authority of the state over them. Successful resistance to the constitution and laws of the state subverts them. It can make no difference whether such resistance is made by physical means too powerful to be overcome, or by combination of financial interests that merely treat the laws with contempt and refuse to obey them. The effects of successful physical resistance are immediate and easily perceived, while those produced by persistent and contemptuous disobedience are remote and may not at once appear, but they silently sap and weaken the foundations of public order, and in the end destroy. The issue made with the state by the distinct refusal of the managers of railways to obey the laws enacted by the general assembly for the correction of abuses and to prevent unjust discriminations and extortions is one of power. It is not pretended that in the enactment of the laws disobeyed the general assembly transcended the authority vested in the legislature by the terms of the constitution. It is made the duty of the general assembly from time to time to pass laws establishing reasonable maximum rates and charges for the transportation of passengers and freights on the different railroads of the state, and to pass laws to correct abuses, and to prevent unjust discriminations and extortions in the rates of freight and passenger tariffs on the different railroads in the state; and by another provision of the constitution railroads heretofore constructed, or that may hereafter be constructed, in this state are declared to be public highways and free to all persons for the transportation of their person and property thereon as may be prescribed by law. . . . But it seems to me that the real causes of the manifold abuses, extortions and oppressions to which the people are subjected are to be found in the fact that railroad

property has passed under control of combinations of financial adventurers who are in nowise interested in the proper management of the road.

“This condition of the management of railroads may be accounted for by referring it in part to the great increase of the speculative wealth of the country, the tendency everywhere in every business to organization, and the circumstance so unfortunate for the people, that the general assembly did not in the enactment of the general and special laws authorizing the creation of railroad corporations, expressly reserve such sufficient power to regulate and control their internal management as would ensure the protection of the interests of the body of the public.

“ . . . The State of Illinois contains within its limits more than six thousand miles of railroad, they penetrate almost every county. And the railroads of this state, by their legal connections and the identity of their interest and purposes with those of other states, have become a part of a system that it is said embraces sixty thousand miles of railroads in the United States, and which is being extended to limits that do not admit of easy definition. The railroad and carrying interests control a larger amount of capital than any other in the United States, and by means of their capital and their intimate relation with all other business pursuits, extending as railroads do to all parts of the country, they exercise a greater measure of influence than was ever before in the hands of individuals. The iron rail, the steam engine and the telegraph, all now in substantial co-operation, already control the commerce of the continent and to a large extent influence the value of every product of industry and the profits of every business pursuit.

“They build up favored cities and depress their rival; they have diminished the value of the great rivers and highways of commerce and the shipping of the lakes, and that engaged in coast wise trades, embarrassed by

obstacles that the engine upon the iron rail defies, with the new agencies maintain but a feeble and struggling competition. From the superiority of this new method of transportation, in speed, in safety and in power, all other modes are rendered comparatively useless, and the country is brought to face the fact that in this age of remarkable commercial and intellectual activity the only available lines of intercourse and trade on the continent are under the control of private individuals, who assert for themselves the power and the right to impose burdens upon the intercourse and commerce of the country to an extent to which they acknowledge no definite limit, nor in the exercise of the discretion they claim as to the amount they may impose do they admit themselves to be bound by any rule of equality; but they maintain their right to discriminate between different points of their own lines between different individuals engaged in the same business at the same points, and to increase and to reduce their rates at pleasure, until to the ordinary hazards of business is added the uncertain fluctuations dependent upon the management of railways. In my judgment, the existing laws intended to regulate the duties and define the obligations of common carriers by railway will not accomplish the object desired, for the reason, amongst others, that they are to a certain extent based upon widespread misconception of the true relation of that class of public agents to the people, and as a consequence of that misconception the regulation for the government of the owners and managers of the railway lines are that they are confused and weakened by assuming that the ownership and management of railway lines and the receipt, and transportation, and delivery of passengers and freights for hire, which constitutes the business of a common carrier are so inseparable, that they are necessarily parts of the same general business, while in the nature of things and from the force of practices that now extensively prevail on many lines of railway, they

are certainly different pursuits, and regulations intended for the government of one have no fitness or proper application for the other. . . . It was with a view to break up the monopoly of the use of their own railroad lines by common carriers, and if possible to separate the ownership of railroad property from the prosecution of that business, that the constitutional convention adopted the tenth, the twelfth and the fourteenth sections of the eleventh article of the constitution. Before the adoption of the constitution of 1870, the public mind had become so affected with the impression that railways could only be useful to the public as long as the corporations controlling them were able to carry on business as common carriers, that a disposition was sometimes apparent to consider the rolling-stock and other movable property of railroad corporations as appurtenant to the railroads. To correct that impression, and prevent its further growth, the tenth section of the eleventh article of the constitution was adopted, which declares that "the rolling-stock and other movable property of any railroad company in this state shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the general assembly shall pass no law exempting any such property from execution and sale."

And then to lay the foundation for the assertion of the public right to authorize competition in the business of carriers on the roads of the state, and to furnish the basis for the proper definition of the rights of the owners of railroad property as against the public right by its use, by the twelfth section of that article, it is declared that "railroads heretofore constructed, or that may hereafter be constructed in this state, are public highways, and shall be free to all persons for the transportation of their persons and property under such regulations as shall be prescribed by law. And the fourteenth section recognizes the right of the state to take the property of

corporations for public use to the same extent that the property of individuals may be taken."

I then committed myself to the doctrine that railways are public highways, and that any carrier or company of carriers might organize and carry freight or passengers to the extent that they might choose to determine, subject to such compensation for the use of the fixed facilities of railways to be ascertained by valuation.

With reference to the penitentiary, I said: "I still believe that with proper legislation and judicious management it may be made eminently useful as a penal and reformatory agency, and at the same time substantially self-sustaining;" and at the same time I felt it my duty to add: "The only practical system for the successful management of the penitentiary in my judgment is that which combines the retention of complete control of the discipline and government of the convicts by the state with the lease of their labor to persons engaged in special pursuits." In reference to the reform school and inebriate hospital, I said: "Juvenile offenders, whose crimes are most frequently the result of the incapacity or the negligence of parents or guardians or neglected orphanage, or, as experience has demonstrated, with respect to many of that class, of latent, intellectual or moral incapacity or disease, while they attract and enlist the sympathies of the philanthropic, furnish the most encouraging field for employment of reformatory agencies, and it is to be hoped that as the state advances in wealth and culture, a greater degree of attention will be given not only to the classes intended to be provided for and benefitted by the reform school, but to neglected childhood wherever it may be found in the state. As to the inebriate hospital, recent investigations have led the most intelligent thinkers to the conclusion that drunkenness is a form of disease that admits of treatment and cure. . . . But enough is known to inspire a measure of confidence in curing drunkenness, and no one familiar with the subject will hesitate to confess that

from its extensive prevalence and the mischiefs and dangers it is constantly producing, all efforts should be made to ascertain by experiments whether it does admit of permanent cure; nor would the failure of any experiment that might be made by the state relieve the subject from embarrassment, for there will still remain in the community a large and dangerous class to whom may be traced the commission of a large proportion of the crimes that afflict society and disturb social order, and the time has come when it is a reproach to the state that no measure can be devised which will bring relief. I am aware that some urge that total prohibition of the use of the liquors that produce intoxication is the proper remedy for the evil of drunkenness; but I have never observed any satisfactory evidence of a real intention on the part of the people to enforce prohibition, nor do I believe that total prohibition of intoxicating agencies possible. But if I am mistaken in this opinion, and the time shall hereafter arrive when the men who believe the total prohibition of intoxicating liquors judicious or possible will come to consider that object of enough importance to induce them to prefer its success to that of political parties and vote according to their convictions and succeed in giving effect to their views, the time is not so near at hand that the general assembly should on account of its approach delay to make provision to relieve society from the almost unendurable evils than drunkenness now produces. . . . To me the theories upon which the laws respecting drunkenness depend are manifestly absurd, as they are oppressive and unjust. If it is a mere habit that inflicts no public injury, all the laws that treat it as a crime are unjust and should be at once repealed. If it is a crime, it should be punished wherever committed.

“The laws should be enforced impartially without regard to the social standing of the offender, and if a crime, persons who become intoxicated ought to be subjected to the laws that authorize dangerous persons to

be restrained. If drunkenness is a disease or habit that produces physical alterations that assume the form of diseased mental or nervous action so that the subject becomes an object of danger to individuals or to the public peace, punishments that assume his legal responsibility are unwarranted and unjust, though his confinement may be justified upon grounds that are consistent with proper regard for the safety of the public and with the real interests of the unhappy victim. Accepting what I conceive to be the most enlightened as well as the most humane view of the subject, I recommend to the general assembly the establishment of an asylum or a retreat for inebriates, to which all persons conscious of their unhappy condition may voluntarily resort upon consenting to such conditions and regulations for the government of their conduct as may be prescribed under the authority of law, and to which all habitual drunkards and persons who become dangerous when intoxicated may be committed and, if need be, confined until cured. The safety of individuals and of society is involved in the success of the measure proposed."

After having referred to the revision of the laws, judiciary, the reports of the state officers in which I expressed the sentiment that I cannot permit myself to separate from these officers without testifying to the faithfulness with which all of them have discharged their duty to the state, I added proudly: "The State of Illinois is now substantially free from debt, and the time is not distant when it will occupy the proud position among the states of having discharged all its obligations and of imposing no burdens upon its citizens, except such as may be required to carry on its government," and concluded in the following language: "No one is more conscious than I am that in the necessarily active share I have taken in the varied affairs of this great commonwealth, I have in the judgment of some committed mistakes, but I have in all my important official acts been governed by my own convictions of

duty. . . . My duties to the government of the United States begun with my birth, and have never been forgotten nor neglected, . . . and I have felt under the most solemn of earthly obligations to obey and defend and support the constitution and laws of the State of Illinois, and to enforce the laws of the state against all who might offend them."

CHAPTER XXV.

Presidential canvass of 1876—Hayes nominated by the Republicans—Tilden nominated by the Democrats—Visited Louisiana—Hayes' electors counted in—Correspondence between Democrats and Republicans—Report to Mr. Hewitt—Nominated for United States Senate—Declined in favor of General Anderson—Election of Judge Davis.

The Republican party had succeeded in the presidential elections of 1860 and 1864 with Lincoln, and with Grant in 1868 and 1872, and were reluctant to concede the possibility of the election of a Democrat in 1876, and when its national convention met on June 4, 1876, it was supposed that any Republican could be elected. The convention afforded an example of a combination against the most popular candidate. During the session it was "anything to beat Blaine." A number of candidates were presented to the convention by their friends; among them were Benjamin H. Bristow, of Kentucky; Roscoe Conkling, of New York; Marshall Jewell, of Connecticut; Oliver P. Morton, the war governor, of Indiana; John F. Hartranft, of Pennsylvania; Rutherford B. Hayes, of Ohio; and James G. Blaine, of Maine.

Mr. Hayes was nominated on the seventh ballot, receiving 384 votes, and 351 for Blaine, and 21 for Bristow, and Wm. A. Wheeler was nominated for the vice-presidency. The two-thirds rule does not prevail in the Republican national conventions, and Mr. Hayes was nominated by a majority of the votes. The Democratic national convention began its session on June 27, 1876, and nominated Samuel J. Tilden, lately the governor of New York, for the presidency, and Thomas A. Hendricks, late governor of Indiana, for the vice-presidency. These nominations were received in a very different

spirit by the respective parties. Mr. Blaine was the favorite of the Illinois Republicans, and his defeat cooled their ardor, and humiliated them, while Mr. Hayes, who was conceded to be an honest man, which he had proved as governor of Ohio, had about him nothing brilliant or dazzling, as had Mr. Blaine.

Mr. Tilden, on the other hand, was esteemed by the Democratic party as one of the great men of the country. As governor of New York he had smashed the "Tweed Ring," and had compelled the flight of the "Boss" and his subordinates to foreign countries to avoid punishment for their crimes. Although I favored the resumption of specie payments, and held with Greeley, that the proper "way to resume was to resume," and approved the act of congress which required resumption by the United States on January 1, 1879. I also favored tariff reform, and determined to support Mr. Tilden. I did so, and made a few speeches in his interest.

Tilden's election to the presidency, "according to the returns," seemed to be assured and certain, but the country was startled by a dispatch issued the morning after the election by Hon. Zachariah Chandler, the chairman of the Republican national committee, and secretary of the interior in the cabinet of President Grant, that "Rutherford B. Hayes has secured one hundred and eighty-five electoral votes, and is elected."

This dispatch showed the purpose of the Republicans to assail the returns of the election, and when the president, as he did, indicated certain Republicans from the North to attend the canvass of the votes in the states of Florida, Louisiana and South Carolina, it became certain that the electoral votes of those states were to be questioned.

Mr. Abram S. Hewitt, chairman of the national Democratic committee, finding the votes of the states before mentioned were attacked by the Republicans, selected a number of Northern Democrats to attend the canvass of the votes for election, and I was one of the persons

chosen by Mr. Hewitt to go to Louisiana, and "witness a fair count."

I received the dispatch from Mr. Hewitt on November 10, 1876, and left home and proceeded to New Orleans, by way of Louisville, where I had my headquarters while I commanded the Department of Kentucky; Nashville, where I had commanded troops during the civil war, and then by Decatur, where I had crossed the Tennessee river on the retreat to Nashville, and by the way of Mobile, which I had never seen, and arrived at New Orleans on November 13th.

As soon as the representatives of the northern Democrats reached New Orleans I was elected chairman, and we called upon Governor Kellogg, whom I had known in Illinois, and afterwards I ascertained the place of business of Mr. Cazenave, who was a member of the returning board, and called upon him, and there I had the good fortune to meet Mr. Kenner, who was also a colored member of the returning board. During my conversation with Cazenave and Kenner they stated to me the general facts of the political situation of Louisiana, and said to me that "in several parishes that had given majorities for the Tilden electors intimidation had been resorted to."

I told both of them that the "returning board was incomplete on account of the resignation of Mr. Oscar Arroyo," which I had learned occurred in December, 1874, and advised them that the board had no jurisdiction of the election returns unless the vacancy was filled by the action of the board, which it had power under the law creating it.

I said to Cazenave and Kenner that the occasion was a grand one in the history of the colored race, which had unexpectedly fallen upon them, and that the destinies of both political parties was in their hands. I urged them to fill the vacancy in the returning board, and to see that such a return was made as would satisfy the country of the integrity and capacity of the colored

race. Mr. Cazenave said in reply that the Democratic party could not be trusted to take care of the colored people, and said, in substance, that that party should be kept out of power. He said that if it was a question of making General Nichols Governor of Louisiana he would be inclined to accept my suggestions.

He thought that General Nichols was in sympathy with the colored race, at least to the extent of doing justice to that race. I urged them to appoint a fair man to fill the vacancy and to insist upon a colored man, and said to them that they, with the colored man (a Democrat), that the three colored members of the board, could make a report that would satisfy the country that the negroes had the capacity, integrity and courage to do right, and to present the facts in regard to the election in Louisiana in such manner that everybody would be satisfied that it was done right.

Cazenave's answer after all that I had said was that the Democrats could not be trusted with the interests of the colored people, and Kennar was silent. I called upon Governor Wells and had a conversation with him, and watched for the coming of General Anderson who had not appeared in the city.

Governor Wells appeared to regard himself as the representative of his party. He disliked the local politicians of the Democratic party, and he felt an unwillingness to fill the vacancy in the returning board, and professed a want of confidence in any local Democrat. I told him there was a general feeling throughout the United States that the vacancy in the returning board should be filled. He answered that the Democratic member of the board, Mr. Arroyo, having resigned, the Democratic party had forfeited its right to representation on the returning board.

After General Anderson, a member of the returning board, had reached the city, I had several conversations with him. He seemed disposed to fill the vacancy on

the board, but he could not agree with his colleagues on the man to be appointed, which was probably a mere pretense.

He bore testimony to the intelligence and integrity of Dr. Hugh Kennedy, the person recommended by the Democrats, but the vacancy was never filled. After I had my several conversations with Cazenave and Kenner, the colored members, and with Wells and Anderson, the white members of the returning board, I was satisfied that they would declare the Hayes electors to have been chosen by the voters of Louisiana.

I thought Cazenave to be an honest man from his standpoint, but he thought that the interests of the colored race demanded the election of Hayes to the presidency, and blinded by prejudice he was incapable of doing justice to the subject or of a decision according to law. Kenner was a very "common mulatto" and was controlled by Wells, whose mind was made up as soon as he perceived the importance of the questions submitted to the returning board, and General "Tom." Anderson was a soldier of fortune, ready to take any service and to find according to his interest.

After the Republican visitors reached New Orleans, a meeting of the Democratic visitors was held, which consisted of Lyman Trumbull and William R. Morrison, of Illinois; Samuel J. Randall, A. G. Curtin and William Bigler, of Pennsylvania; J. R. Doolittle and Geo. B. Smith, of Wisconsin; Joseph E. McDonald, Geo. W. Julian, M. D. Manson and John Love, of Indiana; Henry Watterson, J. W. Stevenson and Henry D. McHenry, of Kentucky; Oswald Ottendorfer and others of New York, and myself, and we attempted to secure the co-operation of the Republicans in preparing a statement of the proceedings of the returning board of Louisiana, to be laid before the country.

Reply of the Republicans relative to a conference. (We had the following correspondence with them. Our letter omitted):

“NEW ORLEANS, LA., *Nov. 16, 1876.*

“*Gentlemen*—We are gratified to learn that we have misapprehended the language and spirit of your communication of November 14th, inst., and that we were in error in attributing to you the purpose to interfere with legally constituted authorities in this state in the discharge of their duties. Perhaps this apprehension was the natural result of the language employed. Our request was to meet and confer with you personally or through committees, in order that such influence as we possess may be exerted in behalf of such a canvass of the votes actually cast, as by its fairness and impartiality shall command the respect and acquiescence of the American people. This, as we understood it, was for the purpose of influencing the action of the returning board in the discharge of its duties. The president had requested us to attend to witness, not to influence such a canvass, and knows that such request by him was not intended to witness the count of votes actually cast, but the entire proceedings of the board in reaching the result. As to the votes legally cast to be counted, we are gratified to learn that you concur with the president, and with us in this understanding. You also state that you are fully aware that both the organization and action, judicial and ministerial, of the returning board of Louisiana, was beyond the authoritative control from without; and that it would be the height of arrogance and folly to attempt to alter the laws of a state of which we are not citizens, or to obtrude our interpretation of the laws upon those whose duty it is to administer them. We may therefore, as we think, assume that you will agree with us, that it would be arrogance equally to attempt by our concerted action to influence the proceedings or the results of courts of justice, or of boards acting judicially, and hence we are gratified at being able from the language and tenor of your letter, to assume that you did not wish to confer with us for the purpose of influencing the action of the returning board, but only to

secure such co-operation on our part as would enable us jointly with yourselves to witness the proceedings throughout. Conference for such purpose would now seem to be unnecessary, as we learn from a communication just received from the board, which appears to us, to accomplish what, by your explanatory note, you desire to attain through the proposed conference. We will add that it is very apparent that if your wish is to see a fair and honest expression of the electoral vote of Louisiana, there is no difference between ourselves and you except as to our conduct with reference to that result. You have proposed conference and active associated influence; this we regard as beyond our duty, or our privilege as individuals. We shall be happy at all times to confer with you as individuals, to co-operate in whatever is right, but concerted action, for the purpose of influencing an official board, we hold to be beyond our privilege, and we shall hope that all may come to pass which good citizens can wish, without the use of any such means. We remain, gentlemen, Very respectfully,

“Signed by John Sherman, Stanley Matthews, J. A. Garfield, Ohio; E. W. Stoughton, J. W. Van Allen, New York; W. D. Kelley, Pennsylvania; Joe E. Stevenson, Ohio; Eugene Hale, Maine; J. M. Tuttle, J. M. Chapman, W. R. Smith, W. A. McGrew, Iowa; Sidney Clarke, J. C. Wilson, Kansas; C. B. Farwell, Abner Taylor, J. M. Beardsley, S. R. Haven, Illinois; John Colburn, Will. Cumbach, Indiana; C. Irvin Ditty, Maryland.

“To Hon. John M. Palmer, Lyman Trumbull, W. R. Morrison, Illinois; Samuel J. Randall, A. J. Curtin, Wm. Bigler, Pennsylvania; J. R. Doolittle, Geo. B. Smith, Wisconsin; J. E. McDonald, Indiana; and others.”

The following is the reply to the Republicans' letter yesterday refusing to confer with the Democrats:

“NEW ORLEANS, LA., Nov. 17th.

“*Gentlemen*—We are in receipt of your answer to our letter of the 14th inst., in which you inform us of your determination not to confer with us for the purpose of exerting such influence as we may possess in behalf of such canvass of the votes actually cast in Louisiana as by its fairness and impartiality shall command the acquiescence and respect of all parties. We sincerely regret this failure of our attempt to secure a co-operation of citizens from other states, in furtherance of the purpose which, as we supposed, had brought them hither at this juncture.

“It can hardly have escaped your notice that our statement of the result to be obtained by the co-operative action which we sought to bring about, was a simple reproduction of the language of President Grant, at whose request you are here. In his recent orders to General Sherman, that language was deliberately used, no doubt, in view of the fact, about which, as we conceive, there can be no dispute, that the first and most essential prerequisite to an honest, just declaration of the result of the recent election in Louisiana, is a fair and impartial canvass of the votes really cast, to include votes illegally cast, as you certainly do us injustice, or imputation, of a desire to insist upon such a narrow and vicious interpretation. In our judgment, the expression, ‘votes actually cast,’ of necessity designates votes legally cast, and as a consequence of such votes only did we desire to secure a fair and impartial canvass.

“We beg leave to say, therefore, that you are mistaken in the belief that we sought unduly to name a basis on which we invited your co-operative action, and you are no less in error in attributing to us a purpose to interfere with the legal authorities of this state in the discharge of their duties, or to claim rights, and to arrogate to ourselves powers which we do not possess. In writing our letter, we were fully aware that both the organization and action, whether judicial or ministerial,

of the returning board of Louisiana, were beyond any authoritative control from without, and that it would be the height of arrogance and folly to attempt to alter the laws of a state of which we are not citizens, or to intrude our interpretation of these laws upon those whose duty it is to administer them ; but we had supposed, nevertheless, that there was an influence which might be rightfully exerted, even by citizens of this republic, who are strangers in this state, and we had taken it for granted that your presence here, in response to the suggestion of the president was a recognition of the fact. We had not supposed that it was improper for us to remind the authorities of the state, by our mere presence at least, that there are certain rules of fairness and justice which underlie all constitutions and laws, and upon whose observance most depends the acquiescence of the people of all parties in the declared result of the Louisiana election. Rules such as these : That no one ought to be judge of his own case ; that the decision of any contest ought not to depend upon the arbitrament of one of the parties thereto ; that before such decision is made, both parties ought to be fully and fairly heard ; that all questions of law ought to be decided in conformity with its established general principles, and all questions of fact, upon evidence duly presented and weighed under rules which are of universal recognition in all the states of this Union ; that the trial of all causes involving public interests at least ought to be public, and that all proceedings resorted to for the purpose of determining issues to the present electoral contest ought, by their manifest impartiality, to disarm suspicion that the forms of law have been perverted into instruments for violation of its spirit.

‘In this connection, we may be permitted to observe that, while undoubtedly, as you say, a sedulous inculcation and cultivation of habits of obedience to forms of law is vital to the preservation of constitutional liberty, it is no less important that a refusal to yield such

obedience be not provoked by using these forms as a means for subverting the very ends for which they were designed.

“Without undertaking to question the sincerity of the belief which you are at pains to express, that you know of no reason to doubt that the Louisiana returning board will make a perfectly honest and just declaration of the results of the recent election in Louisiana, we deem it not improper to remind you that the presence in this city of so many citizens from all parts of the Union, at this moment, seems to be evidence of a widely prevalent distrust of the actions of this board, and that such distrust has this foundation at, least that the construction of the board has not been changed since its returns were set aside by a congressional committee, of which the Republican candidate for vice-president was a member, and this distrust is not unnatural, in view of the fact, that, as we understood, one of the members of the returning board is a candidate voted for at the recent election. Another is the holder of an office of profit and trust by appointment of the present executive of the national government, while the members of the board are believed to be in affiliation with but one of the parties to the present political contest.

“In view of all this, it is hardly necessary to add that the terms of our letter were not designed to prejudge the question whether the functions of the returning board were judicial or ministerial, or both, but simply to invite you to see, with us, whatever may be the character of these functions, they are openly, fairly and honestly discharged; and while we thus refrained from any attempt at stating a construction of the laws of Louisiana, we deemed it equally irrelevant to the subject of our correspondence with you to allude to the duties devolving upon officers other than constituents of the Louisiana returning board under the laws of the constitution of the United States.

“Whether, as you observe by way of illustration under

the constitution, the president of the senate both counts and declares the votes of the several states, his duty being purely ministerial and not subject to the control of congress, or whether, as has been the practice for more than eighty years—a practice inaugurated by men some of whom had been framers of the constitution—votes are to be counted under the direction and control of the senate and house of representatives, is a question upon the discussion of which we deem it no part of our duty to enter.

“In conclusion, permit us to say that, notwithstanding your refusal to co-operate, we still cherish the hope that the returning board, warned by the history of the past and conscious that its actions are being observed by the whole nation, will discharge its delicate duties with such circumspection, fairness and impartiality as shall give satisfaction to the American people. To this end, we will continue to labor. Should a different result follow the action of this board, we shall have the satisfaction of knowing that, while you have taken the responsibility of declining to act with us, we have done all in our power to avert the consequences which must follow.

“Very respectfully,

“JOHN M. PALMER, Illinois,

“LYMAN TRUMBULL, Illinois,

“W. R. MORRISON, Illinois,

“SAMUEL J. RANDALL, Pennsylvania,

“A. G. CURTIN, Pennsylvania,

“WM. BIGLER, Pennsylvania,

“J. R. DOOLITTLE, Wisconsin,

“GEO. B. SMITH, Wisconsin,

“J. E. McDONALD, Indiana, and others.”

The following correspondence took place on Thursday and Friday between the northern Democratic and Republican committees, now in New Orleans, watching the canvass of the vote of Louisiana by the returning board :

“NEW ORLEANS, LA., *November 30, 1876.*

“HON. JOHN M. PALMER, *Chairman*: *Dear Sir*—It is our purpose to communicate to the president copies of the testimony of witnesses taken under the order of the board of returning officers before a commissioner, but we have no means of getting copies of such depositions as are taken in behalf of the Democratic candidates for electors. If you will secure us copies, with depositions, we will with pleasure transmit them with the copies of depositions taken by the Republican candidates, so that if printed hereafter, the whole body of testimony may be read and considered together. No doubt a request by you of the gentlemen taking depositions will enable you to comply with our wish for a copy of them.

(Signed,)

“JOHN SHERMAN.”

“NEW ORLEANS, LA., *Dec. 1, 1876.*

“HON. JOHN SHERMAN: *Dear Sir*—Your note of yesterday's date received this morning, and at once laid before the gentlemen with whom I am associated, and they instruct me to answer that they are extremely anxious that all facts relating to the election of presidential electors in Louisiana shall be known to the people of the United States, but that your note contains no assurance that the evidence collected here will be laid before the country. They further instruct me to say, that, upon that and other grounds, they decline to be the medium of communication between representatives of the president and citizens who, at the late election voted for presidential electors.

“They would gladly unite and co-operate with you and associates in collecting and collating for publication such returns, protests, petitions, exceptions and evidence taken by all parties, with any other parties which may be necessary to a full understanding of all the questions at issue in the election for presidential electors in this state.

“In view of your proposition, and the importance of a

proper understanding of all the facts by the country, we must express our regrets that you declined the co-operative action proposed by us in the beginning.

“Very respectfully, JOHN M. PALMER.”

AN ADDRESS TO THE PEOPLE.

New Orleans, Dec. 1. The Democratic visiting committee issued the following address :

“To the People of the United States.

“Upon our arrival here, in casting about for approaches to officials who control the elections in this state, we discovered that they were all of one political party; that the governor had appointed none but Republican supervisors of election, and that the returning officers constituting the state board were of the same political school.

“Influenced by those inauspicious surroundings, our thoughts and hopes were turned towards the eminent gentlemen who had been selected by the president to be present, and see that the board of canvassers made a fair count of the votes actually cast, and on November 14th we invited these gentlemen to meet and confer with us. This co-operation was declined, but nevertheless we have reason to believe that to this correspondence may be attributed the invitation to us, on the 18th ult., by the returning board to be present at its meetings as spectators and witnesses of its proceedings.

“Through this courtesy, and the services of a competent stenographer, we are possessed of all the essential facts, determined on the facts of the official papers. We have been furnished with a certified copy of the duplicate statement of votes made by the commissioners of election at each place of voting in the state. From these statements it appears that Tilden electors received the following votes, to-wit; McEnery, 83,712; Wickliffe, 83,880; St. Martin, 83,676; Poche, 83,539; De Blanc, 83,667; Seay, 83,842; Cobb, 83,579; Cross, 83,652, and

the Hayes electors received the following votes to-wit: Kellogg, 77,152; Burch, 77,144; Joseph, 74,889; Sheldon, 74,844; Marks, 75,221; Levisse, 75,570; Brewster, 75,457; Jefferson, 75,956.

“The result for the vote of the presidential electors, as disclosed on the face of the returns opened by the returning board in our presence for the Tilden electors, McEnery, 82,233; Wickliffe, 82,326; St. Martin, 82,129; Poche, 82,036; De Blanc, 82,065; Seay, 32,242; Cobb, 81,959; Cross, 82,109.

“For the Hayes electors: Kellogg, 77,023; Burch, 76,983; Joseph, 74,642; Sheldon, 74,678; Marks, 75,087; Levisse, 75,157, Brewster, 72,270; Jefferson, 75,390.

“In most cases the returns opened by the returning board correspond with the certified copies of statements of the commissioners of elections furnished us. The most material arose from the failure of the supervisors of East Baton Rouge, Tangipahoa and Orleans to forward statements of votes from all voting places in their respective parishes. In thirty-five out of the thirty-eight states of the Union these figures would be conclusive.

“No one would claim that Tilden and Hendricks were not entitled to the electoral vote of the state, but in Louisiana a tribunal has been set up, which on a former occasion, has overthrown the will of the people as expressed at the polls, and for which power is now claimed, in its discretion, to change the results of the popular vote at the present election. In view, however, of the returns, the law and the facts which should control the returning board, with which we have made ourselves familiar, we have no hesitation in saying that the result shown by the votes actually cast cannot be changed without a palpable abuse of the letter and spirit of the law governing the returning board and manifest perversion of the facts before it.

“Irregularities have been committed in some instances

by officers conducting elections and in making returns, but they are about as much on one side as the other, and as to intimidation, violence, or other illegal acts preventing a free and fair election, there is evidence on both sides; but not of sufficient character to affect the general result.

“In most instances the acts of violence proceeded from mere lawlessness, as in the case of the Pinkston family, and had no connection with politics. It is a significant fact that in parishes where it is alleged that voters were kept from the polls by intimidation, the total vote of such parishes was as large as at any time heretofore, and in the whole state it is 1,500 above any vote heretofore cast.

“An honest and fair canvass of the returns, even under the laws of Louisiana, cannot materially reduce Tilden’s majority as shown on the face of the returns.

(Signed,)

JOHN M. PALMER,
LYMAN TRUMBULL,
WM. BIGLER,
GEO. B. SMITH,
GEO. W. JULIAN,
P. H. WATSON,

“To Hon. Abram S. Hewitt, Chairman Democratic National Committee.

“The returning board of Louisiana having this day promulgated, as the result of the recent election in that state, that the Hayes and Wheeler candidates for electors received a majority of the votes, we who by invitation watched the proceedings of the board in opening and canvassing the returns until it went into secret session, deem it our duty to lay before you and the public such facts connected with the election and the returns as will, we think, clearly show that the action of the returning board in proclaiming the election of the Hayes electors as arbitrary, unfair and without warrant of law, and we adopt as applicable to this canvass the

language of a report made the United States house of representatives in 1875, by George F. Hoar, William A. Wheeler and William P. Fry, in regard to the canvass of 1872, in which they say, 'The so-called canvass made by the returning board in the interest of Kellogg seems to us to have no validity and is entitled to no respect whatever.' We also adopt the language of this same report upon the condition of Louisiana in 1875, 'In the State of Louisiana there is a governor in office who owes his seat to the interference of the national power, which has recognized his title to his office not by reason of any ascertainment of the facts by legal process, but has based its action solely on the illegal order of a judge. In the same state there is a legislature one branch of which derives its authority partly from the same order, the other being organized by a majority who have been established in power by another interference of the national government, and which majority derives its title not from any legal ascertainment of the facts but from the certificates of a returning board which has misconceived and exceeded its legal authority.'

"November 18, 1876, before the returning board commenced the canvass of the electoral vote, the candidates for electors on the Democratic ticket presented a protest against its jurisdiction over the subject or its canvass of the votes relating to the same. The protest was summarily overruled by the board without affording an opportunity for argument. No legal proposition, in our opinion, is clearer than that the board was mistaken as to its powers, and that 'it had nothing whatever to do with the electoral vote.' Each state shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress, but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed as an elector.

“The legislature of Louisiana has either directed the manner in which electors in that state shall be appointed or it has not. The election law of 1872, and amendments under which the returning board is created and acts, makes no provision as to the manner of appointing electors of presidents and vice-presidents, whether by the legislature or by vote of the people, nor whether by the state at large or by congressional districts, nor does it contain any provisions as to the qualifications of electors, the place where they are to meet, nor for filling vacancies. Section 71 of that act declares as follows: ‘That this act shall take effect from and after its passage, and that all others on the subject of election laws be and the same are hereby repealed.’ This is not an implied, but a direct, repeal of all election laws to which it refers, and if it repeals the previous act of 1868, revised in 1870, providing for the appointment of presidential electors, it repeals the whole of it and all its provisions, and there is no law of the state on that subject, and of course the board would have no jurisdiction to canvass votes cast for such officers. If, on the other hand, the act of 1872 does not repeal the law of 1870, then presidential electors must be appointed, and the canvass of the votes therefor must be made in accordance with the law of 1870, and the returning board has no jurisdiction over the subject, as will be seen by reference to some of the provisions of the act of 1870, which are as follows :

“Section 2824. Every qualified voter in the state shall vote for electors as follows: Two persons shall be selected from the state at large, and one person shall be chosen from each congressional district in the state; and in case any ticket shall contain two or more names of persons residing in the same district (except the two chosen from the state at large) the first of such names only shall be considered as duly voted for.

“Section 2825. No person shall be considered a qualified elector who is not a qualified voter in the district for

which he is chosen, or in case of being selected for the state at large, then of some parish of the state.

“Section 2826. Immediately after the receipt of a return from each parish, or on the fourth Monday of November, if the returns should not sooner arrive, the governor, in the presence of the secretary of state, the attorney-general, a district judge of the district in which the seat of government may be established, or any two of them, shall examine the returns and ascertain therefrom the persons who have been duly elected electors.

“Section 2829. The electors shall meet at the seat of government on the day appointed for their meeting by the act of congress, and shall then and there proceed to execute the duties and services enjoined upon them by the constitution of the United States in the manner therein prescribed.

“Section 2830. If any one or more of the electors chosen by the people shall fail for any cause whatever to attend at the appointed place at the hour of 4 P. M. of the day prescribed for their meeting, it shall be the duty of the other electors immediately to proceed by ballot to fill such vacancy or vacancies.”

“It is immaterial, so far as it affects the jurisdiction of the returning board, whether the act of 1870, relating to the appointment of presidential electors, is repealed or not. If repealed, there is no law in Louisiana for the appointment of presidential electors; if not repealed, then the canvass of the returns for such electors must be made by the governor in the presence of the secretary of state, the attorney-general, a judge of the district in which the seat of government may be established, or any two of them, as required by the act of 1870; and in making such canvass, they would be confined to an ascertainment of the persons elected, according to the returns, without authority to reject votes. In no event can the returning board have jurisdiction over the returns of electors of president and vice-president,

and their canvass of the same is therefore a nullity and entitled to no respect from any one. In another aspect, it may be important to determine whether the act of 1870 is repealed, for if it is, the statutes of the state provide no mode of filling vacancies in the electoral college, and it is understood that two of the electoral candidates on the Republican ticket held offices of trust or profit under the United States at the time of the election, and could not, therefore, be appointed electors. Other objections were made to the jurisdiction of the returning board. That it was anti-Republican; that it was in conflict with the constitution of the state, in that it undertook to exercise judicial functions, and in that with only four members it was not legally constituted. The election law declares: 'That five persons, to be elected by the senate from all political parties, shall be the returning officers for all elections in the state, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of vacancy, by death, resignation or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning officers.' The present board consists of only four members, to wit: J. Madison Wells, T. C. Anderson, G. Casanave and Louis M. Kenner, one of whom, T. C. Anderson, was a candidate for the state senate at the recent election on the Republican ticket. All are members of the Republican party. They are the same persons who constituted the returning board in 1874, and canvassed the election returns of that year, and of whom a committee of the house of representatives of the United States, composed of Messrs. Hoar, Wheeler, Fry, Foster, Phelps, Marshall and Potter, after careful investigation of its action, said: 'We are constrained to declare that the action of the returning board, on the whole, was arbitrary, unjust and in our opinion illegal.'

"The vacancy in the board, occasioned by the resignation of Oscar Arroyo, in December, 1874, has never

been filled, although repeated applications by the representatives of the Democratic conservative party of the state and its candidates have been made to the board to fill the same. The foregoing committee of the house of representatives, commenting on the failure of the board to fill the vacancy in 1874, when it occurred, said: 'Your committee think the law as to the constitution of the board was not complied with.' If this view be correct, the board is not so constituted as to have authority to act at all. The entire clerical force appointed by the board at its present session to compile the votes cast is also Republican, and the board refused an application to appoint any clerk or to allow any person of the opposite party to be present to witness the compilation, and even excluded the United States supervisors of election under the act of congress.

"The laws of Louisiana require a registration of voters every two years by officers appointed by the governor of the state—the registration to commence the last Monday of August, pending the general election in November. The election law of the state contains the following provisions for conducting the election, making returns, etc., to wit:

"Section 26. Be it further enacted, etc., That in any parish, precinct, ward, city or town in which, during the time of registration, or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences shall prevent or tend to prevent a fair, free, peaceable and full vote of all the qualified electors of said parish, precinct, ward, city or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, occur on the day of election, or of the supervisors of registration of the parish, if they occur during the time of registration or revision of registration, and make in duplicate and under oath a clear and full statement of all the facts relating

thereto, and of the effect produced of such riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, in preventing a fair, free and full registration or election, and of the number of qualified electors deterred by such riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, from registering or voting; which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish. When such statement is made by a commissioner of election, or a supervisor of registration, he shall forward it in duplicate to the supervisor of registration of the parish; if in the city of New Orleans, to the secretary of state, one copy of which, if made by the supervisor of registration, shall be forwarded by him to the returning officers provided for in section 2 of this act, when he makes the returns of the election in his parish. His copy of said statement shall be so annexed to his returns of election, by paste, wax or some adhesive substance that the same can be kept together, and the other copy the supervisor of registration shall deliver to the clerk of the court of his parish for the use of the district attorney."

"Section 13. Be it further enacted, etc., That it shall be the duty of the commissioners of election at each poll or voting place to keep a list of the names of all persons voting at such poll or voting place, which list shall be numbered from one to the end; and said list of voters, with their names and numbers as aforesaid, shall be signed and sworn to as correct by the commissioners immediately on closing of the polls, and before leaving the place, and before opening of the box. If no judge or justice of the peace, or other person authorized to administer such oath, be present to do so, it may be administered by any voter. The votes shall be counted by the commissioners, at each voting place, immediately after closing the election and without moving the boxes from the place to where the votes were received, and the count

must be done in the presence of any bystander or citizen who may be present.

“Tally-lists shall be kept of the count, and after the count the ballots counted shall be put back into the box and preserved until after the next term of the criminal or district court, as the case may be ; and in the parishes, except Orleans, the commissioners of election, or any one of them selected for the purpose, shall carry the box and deliver it to the clerk of the district court, who shall preserve the same as above required ; and in the parish of Orleans the box shall be delivered to the clerk for the first district court for the parish of Orleans, and be kept by him as above directed.

“Section 43. Be it further enacted, etc., That, immediately upon the close of the polls on the day of election, the commissioners of election at each poll shall proceed to count the votes, as provided in section 13 of this act ; and, after they shall have so counted the votes and made a list of the names of all the persons voted for, and the offices for which they were voted for, and the number of ballots contained in the box, and the number rejected and the reasons therefor, duplicates of such lists shall be made out, signed and sworn to by the commissioners of election of each poll, and such duplicate lists shall be delivered, one to the supervisor of registration of the parish, and one to the clerk of the district court of the parish, and in the parish of Orleans to the secretary of state, by one or all of said commissioners, in person, within twenty-four hours after the closing of the polls.

“It shall be the duty of the supervisors of registration, within twenty-four hours after the receipt of all the returns for the different polling places, to consolidate such returns to be certified as correct by the clerk of the district court, and forward the consolidated returns, with the originals received by him, to the returning officers provided for in section 2 of this act, the said report and returns to be enclosed in an envelope of strong paper or cloth, securely sealed, and forwarded by mail.

“He shall forward a copy of any statement as to violence or disturbance, bribery or corruption, or other offenses specified in section 26 of this act, if any there be, together with all the memoranda and tally-lists used in making the count and statement of votes.

“Section 2 declares: That, within ten days after the closing of the election, said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the commissioners of election, and make returns of the election to the secretary of state. They shall continue in session until such returns have been compiled. The presiding officer shall at such meeting open, in the presence of said returning officers, the statements of the commissioners of election, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate; one copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons voted for, the number of votes for each person and the names of the persons who have been duly and lawfully elected. The returns of the election thus made and promulgated shall be *prima facie* evidence in all courts of justice before civil officers, until set aside after a contest, according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. The governor shall, within thirty days thereafter, issue commissions to all officers thus declared elected who are required by law to be commissioned.

“Section 2. Be it further enacted, etc., That in any such canvass and compilation the returning officers shall observe the following order: they shall compile, first, the statements from all polls or voting places at which there shall have been a fair, free and peaceable registration and election. Whenever, from any poll or voting

place there shall be received the statement of any supervisor of registration or commissioner of election in form as required by section 26 of this act, on affidavit of three or more citizens of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences which prevented or tended to prevent, a fair, free and peaceable vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count or compile the statement of votes from such poll or voting place until the statements from all other polls or voting places shall have been canvassed or compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences at any such poll or voting place ; and if from the evidence of such statement they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters from registering or voting to materially change the result of the election, then and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled ; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers.

“If, after such examination, the said returning officers shall be convinced that said riot, tumult, or act of violence, intimidation, armed disturbance, bribery or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of qualified voters thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of

such poll or voting place, but shall exclude it from their returns; *provided*, that any person interested in said election by reason of being a candidate for office, shall be allowed a hearing before said returning officers upon making application within the time allowed for the forwarding of the returns of said election.

“Under section 2 of the foregoing provisions, it will be seen that the duty of the board of returning officers is similar to that of state canvassing boards in most of the other states of the Union, simply ‘to canvass and compile the statements of the commissioners of election,’ and proclaim the result, and this is the whole duty of the returning board, unless the commissioners of election or the supervisor of some parish imposes upon it a further duty, as provided in sections 26 and 43. In commenting upon the powers of the returning board we avail ourselves of the able argument of Judge Spofford made before it. ‘No one has the right to attack the returns from any poll, ward or parish in the state on account of undue influence, intimidation or other acts of violence, unless the foundation therefor be first laid by the statement of the commissioners of election at the particular poll, if the acts occurred on election day; or of the supervisors of registration of the parish if they occurred during registration, as provided in sections 26 and 43. The board has no legal authority to receive or give effect to statements of outside parties till the proper commissioners of election and supervisor have spoken. Nor has the board been invested with power to institute complaints against any poll *ex officio*, or of its own motion. It cannot blot out or fail to count a solitary vote returned, unless a legal foundation has been laid for inquiry *by the supervisor of the parish where the vote was cast, or by one of the commissioners of election reporting through such supervisor*; and even *they*, the supervisor and commissioners, can only lay a foundation for inquiry in the board by making and forwarding, in the prescribed manner, their official ‘statements’ contemporaneously with their returns, and

in the very form set forth by section 26 of the act in question, challenging the votes of whole cities and parishes by unofficial persons, even though they are candidates, is a startling and lawless innovation.'

"No outside protest can be entertained, because even a *supervisor's* 'statement' can receive no consideration by the board, but must be wholly disregarded, unless made at a time and in a manner which no outside party could possibly comply with.

"His 'statement' (or that of his subordinate commissioner) must form an integral part of his return and official report; it cannot be made up at a different time and place from the return, to which the law requires it to be attached 'by paste, wax or some other adhesive substance,' and a duplicate thereto must be lodged by him with the clerk of the *court of his parish*; it must be made under oath; it must be a clear and full statement of all the facts and of the effect produced thereby. Such a statement, so annexed and sent by mail, is the only kind of statement the board can notice at all so as to institute an inquiry into intimidation, etc.

"The intent of the law is plain and indisputable, that all the supervisors should be engaged simultaneously in the several parishes in completing their returns and statements on the spot where the election was held, without communication with each other or with persons beyond the parish, and before they can obtain information of what has been done in other parishes or of the general result. And the reason for these minute, mandatory and imperative provisions is equally obvious.

"It was precisely to shut out from consideration by the returning board all such *ex post facto* complaints as have been trumped up and illegally thrust in here at the last moment by Mr. Kellogg, Mr. Packard and Mr. Brewster, and even by some of the supervisors themselves.

"The law has not been complied with; most of the supervisors who have put in complaints have *not* written

them at the proper time and proper parish ; they have not annexed them to the returns, sealed and sent them by mail ; they have brought down their returns to this city with no statement so annexed, but have patched up statements here at an improper time and in an improper place. They could only fulfill their duties *according to law* by finishing their returns, attached statements and all, and mailing them, sealed in one envelope, at one of their parish postoffices within the time required by law. It is appalling to think that statements thus made contrary to law, after the result of the election throughout the state was known with approximate accuracy, made as an afterthought by disappointed candidates and their friends with an evident view to cast a drag-net of suspicion over parishes enough to reverse the emphatic verdict of the people—made, too, at so late a day and so great a distance from many of the parishes struck at, that it is impossible to have any fair investigation or that they should receive consideration.

“Commenting on the foregoing provisions of the Louisiana statute, Messrs. Geo. F. Hoar, W. A. Wheeler and W. P. Fry, in their report made February 23, 1875, said : ‘Upon this statute, we are all clearly of opinion that the returning board has no right to do anything except to canvass and complete the returns which were lawfully made to them by local officers, except in cases where they are accompanied by the certificates of the supervisor or commissioner, provided in the third section. In such cases, the last sentence of that section shows that it was expected that they would ordinarily exercise the grave and delicate duty of investigating charges of riot, tumult, bribery or corruption on a hearing of the parties interested in the office. It never could have been meant that this board, of its own motion, sitting in New Orleans, at a distance from the place of voting and without notice, could decide the right of persons claiming to be elected. . . . There is no more dangerous form of self-delusion than that which induces men in high

places of public trust to violate law, to redress or prevent what they deem public wrongs.'

"These references to the report of the congressional committee upon the action of this same returning board in 1874, and its constructions of the statute are made that the public may know how this board and its rulings were regarded by prominent gentlemen, one of them a candidate for vice-president at the recent election, at a time when its decision did not affect a presidential election.

"We regard it as indisputable that the returning board has no jurisdiction to inquire into and reject the returns from any voting place in the state on account of intimidation, acts of violence, or other cause mentioned in the statute, unless the foundation for such inquiry and rejection is laid at the time and in the manner provided in the statute.

"In no case did the supervisor of registration deliver to the clerk of the court of his parish, as required by section 26, a duplicate statement, made and sworn to by the commissioners of elections and corroborated by three citizens, of any riot, acts of violence, intimidation and disturbance, bribery and corrupt influences, and of the facts relating thereto occurring on the day of election, nor any like statement of his own that any such acts occurred during the time of registration or the revision of registration. When the returns were opened by the returning board such statements were found among the papers in a few instances, but not in relation to the parishes of Ouachita, Morehouse, East Baton Rouge, East or West Feliciana, and such were the manifest efforts on the part of officers of elections to conceal their acts and confuse and mislead persons interested in a proper investigation of the facts relating to the election, that it was impossible to determine whether any such statement had been made by the commissioners of election or the supervisor of registration, and attached to the returns of the supervisor in any parish in the state

at the time and in the manner required in sections 26 and 43.

“This fact leaves the returning board without jurisdiction to inquire into the acts of violence, etc., at the election or during registration, and with no other duty to perform except to canvass and compile the votes returned, as the returning officers of any other state would do: and as the returns opened by them show a majority for the Tilden electors, it ought to be an end to all controversy on the subject.

“But as the board in the face of these facts has come to the extraordinary conclusion, to declare that the Hayes electors have a majority, it is proper to look further into its action.

“The first meeting of the board attended by us was held November 20th, at which an application in behalf of the candidates on the Democratic-conservative ticket that all the proceedings of the board should be public, and that interested candidates should have leave to be present, by themselves or counsel, at the opening of the returns, with the right to inspect the same, was refused, and certain rules were adopted, against several of which protests were filed, and particularly against rule nine, which declared that: (9) ‘No *ex parte* affidavits or statements shall be received in evidence except as a basis to show that such fraud, intimidation, or other illegal practice had at some poll, requires investigation; but the returns and affidavits authorized by law made by officers of election, or in verification of statements as required by law, shall be received in evidence as *prima facie*.’

“Under that rule several hundred *ex parte* affidavits were prepared and sworn to in New Orleans charging intimidation and other illegal acts in distant parishes, were then put into the envelope enclosing the supervisor’s consolidated returns, which had been brought to the city of New Orleans and kept open for the purpose. This was done to support statements of intimidation or

other illegal acts interpolated by supervisors long after their consolidated returns had been made out and sworn to as correct, and had been filed with the proper district clerk without any protest or allegation of intimidation or other acts of violence.

“The proceedings of the board in executive session, to which we were admitted, consisted in opening the returns from each parish and examining the votes for presidential electors. If no protest or objection appeared among the papers and there was no outside protest from any one, the returns were sent to a private room to be tabulated by the clerks, all of whom were Republicans, who kept their action secret.

“If any protest was found among the papers or from outside parties, the returns were laid aside, to be afterwards considered by the board in secret.

“In the few cases in which there were charges of fraud, intimidation or other illegal acts, the candidates, or their attorneys, were permitted to take copies of the charges, and testimony taken on written interrogatories was submitted in regard to such parishes.

“On December 2d, after all the returns had been opened, the board went into secret session, and we were not permitted to see the compilations of returns already made, nor to know what rules the board adopted in passing upon contested cases, nor the processes by which it arrived at results. We have been furnished a triplicate, or a certified copy of the duplicate statement of the commissioners of election at each voting place in the state, from which has been compiled a consolidated statement of the entire vote of the state for presidential electors.

“From this statement, which we believe to be accurate, the majority for the highest Tilden elector over the lowest Hayes elector, is 8,957, and the majority for the lowest Tilden elector over the highest Hayes elector is 6,300. The returns in our possession correspond precisely in most cases with those opened by the returning

board. The difference in the aggregate arises mainly from the fact that the board did not have all the returns before it.

“The supervisors, all of whom were Republicans, many of them employed in the custom-house at New Orleans, some nonresidents of the state, and one of them under indictment for murder, withheld the statements of the commissioners of election, in some instances where Democratic majorities were given, amounting in the aggregate to about 1,500 votes.

“The returning board refused to receive certified copies of the duplicates of these missing returns filed in the offices of the secretary of state, and the clerks of the district courts, or to take any effective measures to procure the originals.

“The returning board, in proclaiming the result of the vote for electors makes no statement of the votes cast in the several parishes, but simply announces the aggregate vote for each elector in the state giving the Hayes electors majorities varying from 4,626 to 4,712. To accomplish this, they disfranchise 13,350 Democratic and 2,042 Republican voters.

“This announcement is made in the face of the fact that the statements made by the commissioners of election showed a majority ranging from 6,300 to 8,957 for the Tilden electors.

“No attempt is made to give a reason for this arbitrary action of the board, nor is there any statement to show what votes were counted and what rejected. As well might the officers canvassing the returns for presidential electors in Ohio or Massachusetts declare the Tilden electors in those states elected, in the face of the fact that the returns showed a majority for the Hayes electors. We have shown that it is questionable whether the legislature of Louisiana has made provision for the appointment of electors at all; that if it has made such provision it has not vested the returning board with

authority to canvass the returns of the votes cast for such officers ; and that if it were possible to construe the statute as conferring such authority on the returning board, then the statute limits the authority of the board to the canvass and compilation of the 'statements of votes made by the commissioners of elections,' without authority to reject any on account of intimidation or other acts of violence, unless the foundation therefor be first laid as provided in the statute ; that the evidence does not disclose that such foundation was laid in any instance.

"There is, however, evidence of attempts, surreptitiously, to lay such foundation after the consolidated returns were completed, and that the supervisors of election, in many instances, unlawfully withheld returns for that purpose, and interpolated among them *ex parte* affidavits taken in secret in New Orleans before a United States commissioner, which the board has no jurisdiction to consider.

"The evidence taken on both sides, so far as it has been accessible to us, discloses a state of lawlessness in certain parishes, not in the state generally, about the cause of which parties are not agreed.

"The Democrats attribute it to the inefficiency and imbecility of the state government, which they allege to be a usurpation, resting wholly for support upon the federal army, without the confidence or respect of the people, and without the disposition to prevent or punish crime, which they can pervert to political uses. Such a state of things, as might be expected has led to disorder, and in some instances to the most shocking barbarities. The Republicans, on the other hand, attribute the lawlessness to the hostility of the white against the colored race, and as largely due to politics. The murders and outrages which have been brought to our notice are frequently committed by persons of the same race upon each other, and in a large majority of cases have no political signifi-

cauce. Many such cases were brought to the notice of the board by *ex parte* affidavits, without regard to the time of their occurrence, and when they did not have the slightest connection with the recent election. Strangely enough, it is assumed by the Republicans, who have had complete control of the state government for years, that if they could show that lawlessness prevailed in certain localities, and that crime went unpunished, that those facts furnished a reason why they should be continued in power, notwithstanding the large majority of ballots cast against them.

“Another assumption of the Republicans is, that all the colored men in the state are necessarily Republicans. We were visited by a large number of colored persons from all parts of the state, including the alleged disturbed districts, who made speeches and took an active part in the active canvass in favor of the Democratic ticket, and who gave, among other reasons for so doing, that they had been deceived by the Republican officials who had proved dishonest and corrupt, had robbed them of their school money, and burdened them with unnecessary taxes, and that they believed it for the interest of the colored race to unite their fortunes with the whites, whose interests, like their own, were identified with the state. It is certain that thousands of colored persons voluntarily and actively supported the Democratic ticket. The entire vote of the state, at the recent election, is about 15,000 greater than ever before, and even in the parishes where intimidation is charged, it exceeds in the aggregate any previous vote.

“The congressional committee which it is understood will soon visit the state armed with authority to send for persons and papers, and inquire into all the facts connected with the recent election and the action of the returning board, will have greater facilities for arriving at the truth than we possess, but with the law and such facts before us as have been disclosed by the action of

the returning board, we do not hesitate to declare that its proceedings, as witnessed by us, were partial and unfair, and that the result it has announced is arbitrary and illegal and entitled to no respect whatever.

“Fifteen years ago, when Fort Sumter was fired upon by men who sought a disruption of the Union, a million patriots, without regard to party affiliations, sprang to its defense. Will the same patriot citizens now sit idly by and see representative governments overthrown by usurpation and fraud? Shall the will of forty millions of people constitutionally expressed be thwarted by the corrupt, arbitrary and illegal action of an illegally constituted returning board in Louisiana, whose wrongful actions heretofore, in all respects similar to its present action, has been condemned by all parties?

“It is an admitted fact that Mr. Tilden received a majority of a quarter of a million votes at the recent election. This majority is ready and willing to submit to the minority when constitutionally entitled to demand such submission, but it is unwilling by an arbitrary and false declaration of votes in Louisiana that the minority shall usurp power?

“These are dark days for the American people, when such questions are forced upon their consideration. If it were true, as some insist, that neither the white nor the colored voters have in all instances been afforded an opportunity to give free expression to their wishes at the ballot-box, shall we, by sustaining a fraudulent and illegal declaration of the votes cast, stifle the voice of the millions of voters who have freely expressed their choice, and thus seek to correct a great wrong by committing another immeasurably greater wrong?

“Can we sanction such action of the Louisiana returning board, and thereby form a precedent under which a party once in power may forever perpetuate its rule, and so end constitutional liberty?

“Shall such be the fate of this republic at the beginning of the second century of its existence, is the

momentous question now presented for the determination of the American people?

“JOHN M. PALMER,

“LYMAN TRUMBULL,

“GEORGE B. SMITH,

“GEORGE W. JULIAN,

“P. H. WATSON.

“NEW ORLEANS, LA., *Dec. 6, 1876.*”

The Louisiana returning board was, from its defective organization and the animus of its members, incapable of rendering a fair decision, and, when it came to the declaration of General Nichols, as governor of the State of Louisiana, President Hayes conceded the whole question.

The president appointed Charles B. Lawrence, Wayne McVeigh, John M. Harlan, Joseph R. Hawley and John C. Brown as commissioners to Louisiana, and, upon their report, support from Mr. Packard was withdrawn, and Francis T. Nichols was declared governor of the state. Packard had substantially the same vote that Hayes had. Mr. Hayes got the electoral votes of Louisiana, and was declared by the “eight-to-seven” commission to be the president of the United States. No foundation was laid for the impeachment of the returns by the board, even if the right to go behind them was conceded.

There is nothing clearer than that the returning board was prejudiced and transcended its authority, and that Mr. Tilden was entitled to the electoral votes of Louisiana.

On January 12, 1877, I was nominated as a candidate for a seat in the United States senate. I said, upon the occasion of my nomination :

“While I have as much ambition as any man ought to have, I have always regarded it as the right of the people, without pressure from without, to choose those whom they desire to occupy the great offices of the coun-

try. A seat in the senate of the United States is an object worthy of the ambition of any man, yet a seat in that great and illustrious body is worth nothing unless the man who is elected has the confidence of those who elected him. To obtain such a place by any means not consistent with the most perfect fairness and candor, would make the place not one of honor, but one of infamy. You have placed me in nomination as your candidate for senator; you have not promised to elect me, and I have no right to expect that you will. You have given me this expression of your confidence, and, now, all I ask of you is to take part with me in what shall be pre-eminently a fair fight.

“The Republican party have placed in nomination John A. Logan, who, in my judgment—without saying anything discourteous, or without meaning to compliment the gentleman—is the fittest representative of Republicanism as it is to-day. He is here backed by the patronage of the Federal government. I have seen men who were paid by your money and mine in the lobbies insisting on the selection of the man to whom they were indebted for their places. I suppose the patronage of the state government will be employed in his election. So far as I am concerned, and so far as you are concerned, we have nothing to offer in the way of patronage or place. They, even after we have elected a president, by the votes of the people, have cheated us out of the election. Governments are created for the benefit of the governed. . . .

“There are millions of men, women and children, who, in the morning, when they arise from their beds, pray to Our Father, ‘Give us this day our daily bread;’ the want of the people is peace and free and untrammelled industry, that honest men and women may earn their bread. The policy of the government should be so directed as to enable these hungry ones to obtain it; the mission of the government is the welfare of its people.

“Of course, gentlemen, you all know what my opinions

are upon almost every public question. While I was governor of the state, my messages were delivered to the general assembly, giving my views in regard to all the great questions that then interested the public mind; my opinions are unchanged. If you should elect me, whatever I can do to advance those opinions will be done; they are in harmony with yours; they are to encourage the industry of the country and to remove the burdens from those industries.

“The president and the governor are but magistrates to execute the constitution and the laws, and each citizen owes obedience to the laws and to no other authority on earth.

“I thank you again, but I shall ask now nothing of you but to consider the question after you have looked the whole field over. Is it better that you shall elect me to the United States senate, or that you shall elect some one of the distinguished gentlemen who have been named by other parties? If, after you shall have given the subject your careful attention, you shall conclude that the public welfare, the welfare of the country that we love so well, and the government under which we have enjoyed so much liberty and happiness, will be best promoted by the election of one of them, you owe me no duty—your duty is to your country. You owe me nothing. I can promise but one thing, and that is, that the people of this state, and of this whole country, white and black, rich and poor, shall have my earnest, industrious and faithful services to the extent of that ability with which the Almighty has endowed me.”

After twenty-one ballots, in which I received all the votes the Democratic party could command, I withdrew in favor of General W. B. Anderson, who had served as colonel of the 60th Illinois Infantry. There was still an obstinate interest which refused to vote for me, or for General Anderson, which succeeded in finally electing Judge David Davis, as senator in the congress of the United States.

CHAPTER XXVI.

Speech of welcome to General Grant—His reply—Obsequies of Hon. David Davis and General John A. Logan.

On May 5, 1880, General U. S. Grant was received by the citizens of Springfield on his return from a trip around the world. "Suitable ceremonies were observed at the governor's residence, and General Grant was escorted from there to the state house grounds at 1 P. M., accompanied by Governor Cullom, Senator Oglesby, Hon. Milton Hay, Governor Palmer, Hon. J. L. D. Morrison, state and city officers, many public men and a suitable escort."

The following address of welcome was delivered by me according to the agreement of the reception committee :

"GENERAL—I have been appointed by my fellow-citizens of Springfield to welcome you to the city. They do not suppose that you require this evidence of their respect or affection for you, nor have they charged me with the whole duty of making you welcome. In directing me to address you in this formal manner on their behalf, they propose no more than to conform to a social custom, while they are eager to take you by the hand and for themselves express the happiness they feel in meeting you.

"General, the most of those present to-day only know you as a successful military leader whose name is a household word, and to whom the country is indebted for distinguished and patriotic services, and, as the chief magistrate of the republic, charged with the administration of its laws and the guidance of its policy during a most important and interesting period of its national history. They honor you because, during the civil war, you never doubted but that the patriotism, the courage

and the endurance of the American people would preserve the Union and re-establish the authority of the constitution and the laws, nor in peace that their integrity, industry and economy would maintain the public credit and restore national and individual prosperity. The opinions of your countrymen credit you with being governed during your public life by two maxims as simple as profound: 'In war, march and fight—in peace, earn and pay.' These maxims are too stern and simple to find ready acceptance with holiday soldiers or fanciful economists, but the present situation of the country proves that they embody the vital elements of military and financial science.

"But there are many present who know and remember you as their comrade and leader during the weary years of the war, when the eyes of the civilized world were upon them and upon you, and when the unity of the republic and the existence of constitutional government and popular liberty on this continent seemed to depend upon their patriotism and courage, guided by your wisdom and skill and supported by your never-faltering firmness. In the darkest hour of the struggle, General, your officers and soldiers never distrusted you. They knew that you would 'fight it out on that line' and on all the lines until the arms of the republic were triumphant and its flag again respected and honored everywhere. Much of what is called history is fable and illusion, but those who served under your command during the war will always believe that you are indebted for your military successes to your thorough understanding of the character and temper of the men who composed and who, under your orders, commanded your armies, to the confidence with which you inspired your subordinates in your sense of justice, your devotion to duty, your singleness of purpose, the clearness with which you foresaw the end from the beginning, and the invincible persistence of your resolution, and you are singularly fortunate

that your military fame has excited no envy, and you have written no book to prove yourself to be the hero of your own campaigns.

“There are others here to-day whom I have no doubt you will meet with peculiar interest and pleasure. They are the survivors of those who received you in the early months of the memorable year 1861, when you came from your home in Galena to tender your aid in giving military organization to the patriotic freemen who were gathering in Springfield and elsewhere in the state to take arms in defense of the Union against menaced secession and disruption. Those were dark days for the republic.

“The freemen of the country, long accustomed to the extravagance if not the violence of political controversy, were even then hardly convinced that the movements in the South were seriously hostile to the union of the states. Many of them supposed that the actual organization of the Confederate government at Montgomery was but an extreme threat intended to overawe Mr. Lincoln and his political supporters and separate him and them from those in the North who had opposed his election.

“The men who received you and accepted your valuable assistance were not so hopeful or credulous. They believed, with Douglas, that the country had reached a point where its future must be determined on the battlefield: they believed then, what all know now, that the free people of the United States will never allow the disruption of the Union, will never submit to the dictation of a section, will never permit the subversion of their republican institutions, and that the strongest government on earth is that which rests for its support upon the affection and free consent of an intelligent, patriotic people, and that their whole duty was to organize and give direction to the swelling spirit of the men of our great state.

“You assisted in organizing our early regiments and

led one of them to the field, and in that way aided in preparing the country for the great struggle then before it. You won their confidence then, and they have watched your career in all the grades in the army through which you passed, and in public civil life, and ever since you surrendered the cares of public office, with a peculiar and most profound interest. They almost claim a share in the successes and honors you have won, for they persuade themselves that they were the first to discover your military capacity and secure your services for the country.

“But their numbers have been lessened by the inexorable work of time. Yates, the eloquent orator and patriotic governor, sleeps quietly at Jacksonville: Dubois, the rugged, generous Dubois, and Butler, the sagacious and firm, rest near the city; and others, whom you will remember, followed you to the field and perished there, or have died at their homes, while Governor Wood, so earnest and sincere in his patriotism, near the end of an honorable, useful life is struggling with age and disease at Quincy; and Hatch and Williams and Mather and Bradford are present to greet you again. They survive, and with others who have passed through the periods of anxiety and doubt that preceded and attended the war, and of depression and bankruptcy which followed its close, are here.

“They have not escaped unscathed; their locks are whitened and their forms marked by age, but they welcome you to-day and rejoice with you that liberty is the law of the republic, that peace and order and prosperity prevail everywhere within its boundaries.

“I will not detain you longer, general, but will leave you to the attention of my fellow-citizens, who are anxious to tender you in person proofs of their sincere respect.”

General Grant, who had remained standing during this address, made the following response:

“GENERAL PALMER, GOVERNOR CULLOM—*Citizens of Springfield and Illinois*—After an absence from my country of nearly three years, in which I have made a circuit of the globe, it has seemed to me fitting and proper that I should come to this city, from which I started in the memorable struggle in which I first became acquainted with so many of the citizens of this state. I assure you it is with great pleasure that I see you here to-day, and I thank you for the hearty welcome which has greeted me here. In all of my travels, I can say to the citizens before me, that none have a country, a climate, a fertility of soil to surpass just what we have around this capital of the State of Illinois, and if all of you could see, as I have seen, other countries, other people, and the struggle for life and existence there, it would make each one, if possible, a better citizen of his own country, and he certainly would feel that he had nothing to complain of here.

“Our Union, as General Palmer has said, has cost us a great struggle to preserve, and I see before me here many of those who went to the field with me determined that it should not perish; and if they had seen what I have they would feel certainly as well satisfied that what they fought for there was worth even more than the price we paid for our present union.

“In my travels through our own country I am happy to say that I thought I saw signs of returning prosperity in the section that we were lately in conflict with, and with prosperity, a returning love of the flag that floats on this side of the platform.

“That is what we desire certainly, that there should be a substantial, solid union feeling in every section of the country; and no matter what the public position of parties nineteen years ago, they should all feel now they have a common interest in the same country, and are protected by the same flag, and if necessary, should fight for it too!

“Gentlemen, I don't know that it is necessary for me

to say anything more ; I return thanks again, and give you an opportunity to get out of the sun."

General Grant was then a candidate for the presidency, and would submit his claims to the national Republican convention, which met in Chicago. General James A. Garfield defeated him for the nomination. I had continued the practice of law until the nomination of General Winfield Scott Hancock for president, and William H. English for vice-president, by the national Democratic convention, which took place at Cincinnati.

I made two speeches at Greencastle, Indiana, and on my return encountered a railroad wreck, caused by the slipping of a switch. We ran into an oil-tank, which destroyed the train by fire.

I made speeches in Sterling, Whitesides county, Mt. Carroll, Carroll county, Freeport, Stevenson county, and other points in Illinois. The morning after I spoke at Freeport, about the middle of October, I found snow falling, and returned home by way of Decatur. I was joined at Tonica, south of LaSalle, by Governor Oglesby, who had been engaged in the canvass for Garfield, but like myself gave up his appointments on account of the inclemency of the weather. At Virginia, Cass county, I first heard that General Hancock had written a letter in which he pronounced the tariff a "local issue."

This had a depressing effect upon the Democracy, and taken in connection with the fact that Indiana, which held its election in October, had declared for Garfield, caused us, after a few more speeches, to give up the campaign.

General Garfield was elected.

I continued to practice my profession until 1884, when Mr. Cleveland received the nomination for president at the national Democratic convention, which met at Chicago, and to which I was a delegate.

I canvassed for him ; he reorganized the Democratic party upon the tariff issue, and was successful over Blaine and Logan.

In February, 1887, the journal of the house shows the hour of two o'clock p. m. having arrived, it being the time specified for the meeting of the two houses in the hall of representatives, for holding the joint memorial exercises, commemorative of the life and public service of the deceased statesmen, Judge David Davis, who died June 26, 1886, and General John A. Logan, whose death occurred December 26, 1886. The senate, preceded by the president of the senate and the secretary thereof, proceeded to the hall of the house of representatives.

After a prayer by the Reverend Dr. Wines, and the anthem, "Jesus, Savior of my soul," by the Quincy quartette, Judge Lawrence Weldon delivered an address on the life and public services of Judge David Davis. . . . The president then presented General John M. Palmer, who delivered the following address upon the life and services of General John A. Logan.

"GOVERNOR OGLESBY, SENATORS AND REPRESENTATIVES, LADIES AND GENTLEMEN—In accepting the invitation of the general assembly of the State of Illinois, so kindly extended to me to address you on this memorial occasion, I assumed a task of unanticipated difficulty.

General John A. Logan, whose life, character and public services will be the subject of this address, was, while he lived, so energetic and active, and bore so many important and varied relations to the people of the State of Illinois and the country, was so lately a busy actor in public affairs, filling and rounding out what, until his death, all believed to be an incomplete but promising career, that it is almost impossible now to think or speak of him as one who has passed away from life, or to realize that 'the places that know him will know him no more forever.'

"His friends still almost feel the warm grasp of his hand. The signs of public and private grief are still around us. We cannot forget that his earthly remains are

still without a resting place ; nor that the devoted wife, who by her gentleness and wisdom, did so much to make him happy, elevate and ennoble his character, and promote and advance his interests, uncertain of her own future, now that she is bereaved and desolate, like the broken-hearted wandering mother, keeps her loved dead in her arms, with the hope that she may make its final bed near where her own sad heart and weary limbs will at last find a home and rest. All of us who knew General Logan are still too much under the influence of his personal presence to speak of him with absolute impartiality, and the most calm and self-poised mind hesitates when required to consider him only in the character of 'the illustrious dead,' and measure all the great facts and events of his life, to make an estimate of his character for the instruction of those who follow him. But happily it is not true that what are called the great facts and events in the lives of eminent men are alone to be considered in forming an estimate of the true value of their lives and character. No man can be understood without a knowledge of his social and home life.

"American homes are nurseries of virtue ; and, while the loved wife who rules and the children who cluster in such homes need support and provident care of the husband and father, he requires for his own encouragement and safety all their gentle and benign influences. In peace, the sweet faces of wife and children steal upon us when we are alone and tempted ; and in war, they come to us in our dreams, and urge and invite us to a noble manhood. When at home, by her instinctive but wise methods, the wife places herself between her husband and harm, and controls the excesses and eccentricities of his strength by the influence of her marvelous but all potent weakness. The blessings of this most benign influence no man could have realized more fully than did General Logan. His wife, who has her own high place in the respect and affection of all who

know her, and has added to the almost sacred name she bears new beauty and sweetness, was to her husband a wise counselor and judicious friend. She walked beside him in his strength from her early womanhood to his death; she leaned upon his strong arm for support, but she gave him strength by her wise counsel and gentle influence. Let her bring her loved dead to Illinois, and like a loving mother, Illinois will take him to her bosom. He may rest at Murphysboro, beside those of his own family who have gone before him, or he may sleep where the winds of Lake Michigan will forever sing his requiem, while she, to command the respect and affection of every son of Illinois, will have but to pronounce her own simple name, Mary, the wife of Logan! But we must pass from these affecting considerations, and speak of General Logan as he was to the people of his native state, in various relations—as a citizen, a soldier and a politician. He must be studied in all these aspects and relations, that we may ourselves understand him, and that he may pass from the hands of those who knew him and loved him into the keeping of impartial history. I have already spoken of Logan as a husband and father; that he filled those relations well, is shown by the devotion of his wife and his children, and their pathetic grief at his loss. That he was in private life a good citizen and neighbor, is attested by the united voice of those who knew him in his childhood, and watched him advance in his successful career with an affectionate interest that proves how warmly they were attached to him. It is remarkable, that, though General Logan was in opposition to most of the people of the section of the state where he lived when he entered the army, and then excited by his aggressive course the most severe and bitter criticism, he still retained a large measure of the personal good-will and respect of those who opposed him. Aside, however, from mere personal respect and attachment to him, it has always seemed to me that much of the strength of General Logan, with

the people of that portion of the state, which we call Southern Illinois, resulted from the circumstance that he knew them, was of them, and was in many respects like them. By making this latter statement, I undertake the difficult task of so describing the people to whom I refer, their traits, their habits of life, and surrounding conditions, that they will be understood and properly appreciated by this audience, which so largely represents the progress and growth, as well as the intelligence and culture of the Illinois of to-day. Contrasting the social condition of the people of Illinois to-day with that of the inhabitants of Southern Illinois sixty or even thirty years ago, they seem to be separated from us by the space of a century; and yet in this earlier state of society, we see the germs of all that is noble and excellent in modern life. More than a century ago, the restless population of the old states, stung by an uncontrollable passion for adventure and change, commenced the movements that have since peopled the continent.

“The course of northern immigration is well understood; but we are to follow the movements of those from the southern and southeastern Atlantic states, who, early in the century, crossed the Ohio river and took possession of the southern portion of the state. The older of the earlier emigrants of the region to which I refer had halted for a time in Kentucky and Tennessee, and then, with their families increased by children and grandchildren, moved on across the Ohio, where they established themselves, soon providing new swarms for the possession of the elysium of the pioneer ‘further west.’

“Death itself, in the imagination of the pioneer, as in that of his almost kinsman and predecessor, the Indian, was but to descend into and be lost in the ocean which limits the continent on the west. This was a hardy, independent, self-reliant race. Some of them had taken part in the revolutionary war, and when these veterans ‘shouldered their crutches to show how fields were won,’

their denunciations of 'the British' were fierce and bitter enough to satisfy the hates of an Irish patriot or a modern senator. They were a martial race, and had taken part in the war with Great Britain in 1812-15. Some of them were with Harrison at Tippecanoe; others, with Winchester, witnessed the massacre at Raisin river; but others, more happy and honored than all, were with Jackson at New Orleans.

"They were in favor of all wars present and prospective, and Logan, a soldier at nineteen and again at thirty-five, was thoroughly imbued with this warlike spirit. But the qualities of hardiness, independence and self-reliance which I assert for them was illustrated by all their acts and conduct. They knew nothing of cities; they were impatient of the restraints imposed upon them by 'the settlements;' they loved the solitude of the woods, with no companion but the rifle. Their houses were of logs; every man was his own architect and, with the voluntary aid of a few of his neighbors, his own builder. These rude homes sheltered affections as pure and tender as ever did 'marble halls;' and in them the patient wife and mother, as solitary in her tastes as her husband, made and fitted the coarse, simple garments worn by herself, her husband and her children. They hated ecclesiastical establishments with the intensity which characterized the gloomiest of the English and Scotch Dissenters from whom many of them were descended. In their religious beliefs, which were favorable to personal independence, they were sincere, intense and narrow. They were tolerant only, I fear, because they had no power to punish. The logic of their own opinions made it impossible for them to consent that the state should in any way interfere with the affairs of the church, but they expected with the most confident faith that God would avenge himself of His enemies, and they were sure and felt a degree of satisfaction in the certainty that certain classes of persons who differed from them would be remembered when the

hour for the infliction of divine vengeance should arrive. In their political conduct, they were independent. The caucus was unknown as a means of political organization, and they knew no methods for the control of the individual or subordination of the private will of the citizen to the will of the majority. They were illiterate—using that term in the exact sense that they were deficient in a knowledge of letters—but not uneducated in the arts of the independent and sufficient support. While they regarded learning in others with an almost superstitious respect, they always looked upon it with a degree of suspicion. Doctors and lawyers were social and political leaders, but the true pioneer, with a sagacity that did him credit, always suspected that the skill claimed by the physician was pretense, and the lawyers were hardly honest. In this picture, which is drawn by no unfriendly hand, for in it I see the portraits of my own ancestors, the last of whom crossed the Ohio in 1831, I have endeavored to present to you the social conditions which gave impress to and molded the character of John A. Logan. But still, like other theorists, I am ready to make large concessions in order to preserve my theory. Those who study the processes of nature assert it to be an axiom that ‘like produces like,’ but, observing as a practical fact that nature delights in diversity, they concede that the effects of heredity are largely modified by circumstances, but they still claim that its essential potency exists. I concede that, while the essential and underlying qualities common to the people of Southern Illinois, as I have described them, were the basis of General Logan’s character, their influence was modified by circumstances and conditions, among which were the fact that his father was a physician and possessed more than the average culture and knowledge of the world; that Logan’s own opportunities were, for the time, liberal; and that, entering upon public and professional life early, aided by a quick and observ-

ant mind, he became what he was in 1860 and 1861, when his real life commenced.

“Entertaining this opinion, I purposely pass over all that portion of his public life that preceded the year 1860, with the briefest reference to details. He volunteered for the Mexican war, and served with his regiment; he was the clerk of one of the local courts, a member of the state legislature for more than one session, was state’s attorney of his circuit and was finally elected to congress. These, as compared with the later years of his life, were uneventful. He was elected to these various offices as the representative of the party to which he was attached, and his election signified but little more than that he had succeeded in winning a larger share of the confidence of his party associates than had his rivals in his own party. Perhaps, it is more accurate to say that Logan’s real career commenced in 1860, after the election of Mr. Lincoln to the presidency; for, though he did not enter the military service, where he won his highest claims to distinction, until the autumn of 1861, yet, from the time the Southern leaders found in Lincoln’s election a pretext for secession and the organization of a government—a rival of and hostile to the Union—Logan’s popularity and influence in Southern Illinois, as well as his known boldness, made his probable course a subject of deep interest to Mr. Lincoln and his supporters in the West.

“Gentlemen of the General Assembly, when I accepted the invitation to address you upon this occasion, I realized that no estimate of the life and services of General Logan would be satisfactory to the country which did not include a discussion of the feelings, motives and purposes which controlled his conduct from the defeat of the Democratic party at the presidential election, in 1860, until he entered the army, in 1861, and which have been the subject of so much controversy.

“I knew at the same time that you were not ignorant of the fact that my political relations with General Logan at the time of his death were not harmonious, and that,

in the controversies which preceded the election of Mr. Lincoln, in 1860, and that attending the second election of General Grant, in 1872, and those which have attended subsequent elections, we exchanged many rugged but not unmanly blows. These considerations suggest to me that others who may speak of General Logan may be pardoned if they merely eulogize his life and brilliant services ; but, that it will be expected of me that I should deal with the facts of his life, analyze his character, and, as far as possible, contribute to and discharge our common duty to impartial history. I have had access to all the evidence bearing upon this subject, written, oral and traditional, and to his own public explanation, but I prefer to rely upon a few circumstances to which I shall briefly advert, with others of like character with which I am familiar, to justify the conclusion I have reached. While I am bound to say that John A. Logan, in 1860, disliked and distrusted the supporters of both Lincoln and Breckenridge, and, until the actual occurrence of flagrant hostilities, hoped for some adjustment of sectional controversies upon the basis of the Union, and was, for the sake of such peaceful adjustment, prepared to make concessions to the discontented elements, there never was a day when he sympathized with secession, or would have consented to a dissolution of the Union. In order to exactly comprehend the motives and the influences which probably controlled the conduct of General Logan from the time of the election of Mr. Lincoln, in 1860, until he donned the uniform of a soldier, it must be remembered that, even before the proposition to repeal what was called 'The Missouri Compromise' was made in congress, abundant evidence existed that the legislation of 1850, which was intended to settle all of the disturbing questions which grew out of the annexation of Texas and the acquisition of territory from Mexico, had not quieted the public mind, and was not really satisfactory to what was then termed 'the sections,' the North and the South, though these measures, grouped together, and

called the 'compromise of 1850,' were approved by the Democracy of the northern and border states as a fair adjustment of dangerous subjects of dispute.

"The repeal of the 'Missouri Compromise,' for which Mr. Douglas was held responsible by those who opposed the measure of repeal, opened the flood gates of strife, and led in fact to the organization of two parties in the country between whom compromises were impossible, and armed conflict was inevitable, though the parties to which I refer were not fully developed until 1860. In 1856, the Democracy of the Union, though disturbed by conflicting policies and purposes, succeeded in electing Buchanan to the presidency, who, no doubt, patriotic in sentiment, blinded by prejudices and paralyzed by narrow views of the lawful right of the people of the United States to defend and protect their own government and free institutions, weakly permitted already determined secessionists to enter his cabinet and use the power of his administration to pursue and, if possible, destroy Mr. Douglas, the leader of the Northern Democracy, and make war on the free settlers in Kansas. He did not understand the character and purposes of the Southern leaders as Douglas did, nor was he the conscious traitor Douglas asserted him to be, when in February, 1861, he said: 'The Southern leaders will not be satisfied with independence; they seek dominion. Recognize a confederacy which will comprise all the slave states, and they will demand Washington upon the pretext that the District of Columbia was once a part of Maryland. Concede them Washington, they will then insist upon having all public property not local in the North; and if it can be imagined that all these concessions would be submitted to by the people of the Northern states, they will then close the Mississippi river to western commerce, to compel the secession of the Western states,' and he added: 'If Buchanan had not been a traitor, I would have forced the issue upon Davis and his friends when they attempted to shackle the people of

Kansas with the Lecompton constitution, and would have compelled them to fight. Then there was a Union sentiment in the country strong enough to crush them instantly, but now, before the controversy is settled, the continent will tremble under the tread of a million armed men.' From what Logan said to me, when a day or two later I repeated to him what Douglas had said, I was satisfied that if Douglas had succeeded in forcing the issue upon the Southern leaders, as he proposed, Logan at the head of regiments of his Southern Illinois neighbors would have rallied around the flag with enthusiasm, and for that object would have been among the foremost to battle for the maintenance of the Union.

"In two other conversations with Logan, in February, 1861, he used expressions that are far more satisfactory evidence to me of his real feelings with reference to the threatened assaults upon the integrity of the Union, than formal language used by him on public occasions.

"In one of these conversations about February 24, 1861, we spoke of the conduct of Mr. Buchanan, who, at the request of John Tyler, once president of the United States, and then president of the peace conference, had forbidden the usual parade of the United States troops, then in and around the capitol, on Washington's birthday, for fear that the South would regard such a parade as a 'menace.' Logan said, in language more forcible, if less elegant than he was accustomed to use in later life: 'The — old fool will see a — sight more troops in Washington before his secession friends get possession of this government.' In the same, or another conversation with Logan about that time, I told him that a distinguished man, afterwards a member of Mr. Lincoln's cabinet, the chief-justice of the supreme court of the United States, favored a call of the states to devise means to settle our controversies and pacify the country; and that he had said in substance, that if such a convention was called in pursuance of the constitution, and it should agree upon a division of the Union, allow-

ing the Southern states to form a separate government, no authority could rightly resist its conclusion. Logan then said, in terms of scorn, 'Yes, his convention will make one end of the Mississippi river discharge its waters into Lake Michigan, I suppose, but unless it does that, Illinois will never consent that a foreign government shall control the Mississippi from Cairo to the Gulf of Mexico.' These and other circumstances prepared me fully to agree with what was said in this city in May, 1861, by one of Logan's most distinguished predecessors in the senate to a number of gentlemen who were discussing with reference to the war: 'Never mind Logan, he hates secession; he has not yet realized the gravity of the contest, but he will after awhile. He is a soldier by instinct, he will come into the fight and distinguish himself.'

"Logan's warlike temper made him visit Bull Run and witness the battle fought between the Union and Rebel forces on July 27, 1861, in which the Union forces suffered a disastrous defeat. He then, if he had not before, realized that all was in danger, and that as a patriot and soldier his country had claims upon him which he could no longer resist; and on September 18, 1861, he was mustered into the service of the United States as colonel of the 21st Regiment of Illinois Volunteer Infantry; and from that time until the close of the war the story of his conduct and services as a soldier is written upon the brightest pages of the military history of the war.

"Gentlemen of the General Assembly, I accepted your invitation to make this address that I might bear this testimony; and having done so, time, which pursues us all from the cradle to the grave, and whitens our locks and bows our forms, for a brief space withholds his final blow and permits me, divested of all feelings of strife and all memory of conflicts, to stand as if in the glow of a summer sunset and look back along the shadows as they lengthen to the east and see and recall

only the kindly faces and pleasant events of the past. In this retrospect I only see Logan as he was when I first met him a third of a century ago, young, energetic and ambitious, full of strength and hope; but my memory recalls him most impressively as my comrade on the battlefields, when under the same glorious flag we fought for liberty and national unity, and where he always acquitted himself as a devoted patriot soldier.

“General Logan has large claims to distinction as a soldier, and yet these claims to be properly understood are to be considered with reference to many facts which are not usually taken into account by those who form and express opinions as to the character of military men; and it is curious to note that the most earnest and eloquent of his eulogists seem to exhaust themselves in praising him for his acknowledged possession of the most common of all soldiery qualities—courage. That General Logan possessed this essential quality of a soldier in a high degree none can doubt, but almost every man who fought under his order from Belmont to Atlanta possessed the same noble temper. No man who ever commanded American soldiers on a battlefield will fail to remember that his own command and the enemy opposed to him always exhibited undoubted courage, and perhaps every battle afforded examples of heroism in his own soldiers equal to his own highest claims. It may have been exhibited in the desperate struggles between battalions for the possession of a battery or a flag, or between regiments from the same state with the same number, the one Federal, the other Confederate, both refusing to yield the field, officers of all grades and every man in the ranks, forgetful of all else, fighting with desperation. The Rebels at Corinth and at Knoxville, where we filled the ditches in front of our works with their dead, displayed the most conspicuous and wonderful courage, while at Kenesaw, ill fated Kenesaw, the heads of our columns of attack were swept away by

a consuming fire, every man meeting his fate with unsurpassed heroism. So on the grander occasion at Missionary Ridge where an army, obeying a common impulse, made their way up the face of the mountain while its top was shrouded with smoke of more than a hundred pieces of artillery and the slope crowded with veteran infantry. No grander scene could be imagined than that which was witnessed by those in the valley west of the ridge, when fifteen thousand men at once sprang forward, pushed their way on and up, and until they entered the cloud of smoke their battle flags could be seen fluttering in the sun. Upward they climb; for a brief space they are lost to view, then the ringing shouts of thousands of men is heard, the victory is ours, and the army of brave men which had beleaguered Chattanooga is crushed and vanishes. But the battle on the left of Atlanta, on the day of the death of McPherson, affords a more pertinent illustration of my meaning.

“On that day, Logan was at once inspired by the splendid courage of his subordinates, and was, by his own daring, an inspiration to them. On July 18, or 19, 1864, Hood succeeded Johnston in command of the army of veterans which had confronted three armies, the ‘hundred days’ between Ringgold and Atlanta. On July 20th, he made that impetuous attack upon the Army of the Cumberland, which opened what is called the ‘Battle of Peach Tree Creek.’ He was repulsed with terrible loss, and during the night of the 21st, General Sherman conceived the idea that Atlanta was evacuated, and the orders issued to the right of the army on July 22d were to leave Atlanta to the left, and pursue the enemy in the direction of Eastport, which was to the west and south. Whether the supposed fact of the evacuation of the city by the Rebels had been announced on the morning of the 22d to General McPherson, who commanded the Army of the Tennessee on the extreme left, I never knew. I have always supposed that it had

been done, and that, inspired by belief that the enemy had retreated, McPherson was less careful than usual, and that Hood was allowed, by a bold movement, to turn and envelop the left of the army with nearly his whole force of magnificent men. The movements of the Rebel forces were so made and concealed that McPherson, while riding inside his own lines, as he supposed, encountered a portion of the enemy, and was killed, and Logan took command.

“From all accounts, official and personal, of this battle, which have been published, it was one of the most remarkable affairs of the war, and made the largest demands upon the soldierly qualities of officers and men.

“I hesitate to say that any portion of the Army of the Tennessee was surprised, because I remember the controversies produced by the events of the battle of Shiloh. I believe that on the morning of July 22d, General Sherman did not expect that any part of his army was to fight a battle on that day. I know he did not expect the right to fight because it was informed by him that Atlanta was evacuated, and it was ordered to pursue the enemy, who was supposed to be retreating.

“If he had expected the center or left to fight on that day, he would not have sent the right in pursuit of an enemy which had not retreated, and which he knew was then in position, or to take position for the battle. Whatever may be the facts upon these points, the Rebel movements brought the armies face to face, and Hood’s attack was made with recklessness, which characterized his conduct in all the battles around Atlanta and Franklin, where, under the impulse of mere unreasoning courage, Hood attacked the retreating Army of the Cumberland, and was repulsed with the loss of thousands of his best officers and soldiers.

“It was precisely at this moment that the death of McPherson devolved the command of the Army of the Tennessee upon Logan, and it is upon his conduct on that day rests his best claim to be regarded as a

great military commander. On that day, thousands of men whose names appear only upon such company rolls as may have been preserved, or who sleep in nameless graves in the soil of Georgia, fought with unsurpassed and unsurpassable courage—but Logan, while he saw this grand expression of valor with the pride and enthusiasm of a soldier, had other claims upon him. It was the necessity of his situation that he should be cool and deliberate and observant of all the phases of the battle, and on all points of the battlefield. Others, under the fierce glow of the battle fever, which thousands have felt, but which none can describe, might fight, forgetful of all but that a brave enemy was before them. But the commander, with a ready eye, and unconquerable resolution, must be able to see order when to others everything is confusion; must think for all, have an eye for the battlefield, and be ready to provide for every emergency.

“These were the qualities required of Logan on that day, and we have the testimony of General Sherman himself that Logan possessed and employed them all. I will not quote Sherman’s testimony on these points as it appears in letters written by himself a few days after the battle; but Sherman, to the astonishment of all, in the face of his admissions of Logan’s gallantry and skill on that day, within a week after the battle, assigned a stranger to the command of the Army of the Tennessee, and Logan returned to the command of his corps. It was felt at the time that Sherman’s course in relieving Logan was a wrong done to him and to the volunteer officers of the army. The real reason for Sherman’s conduct was that Logan did not belong to the regular army. It is true, as Sherman says in his letter of explanation written to Halleck assigning Howard to the command of the Army of the Tennessee, ‘It did not deprive Logan of his rank in the army, nor of his excellent army corps,’ but we know that it did deprive Logan of his opportunity to win the distinction at the head of

the army, which he had demonstrated his capacity to lead and command on a battlefield. It is probable that this mistake of General Sherman resulted from the often observed fact that men educated at West Point, who have attempted the pursuits of civil life and have failed, are apt in war to overestimate the value of special military training.

“They are unable to imagine a versatility of capacity which makes it possible for some men, without the formal training of this school, to succeed by force of qualities which adapt them to military command. The great Napoleon, unlike Halleck and Sherman, did not look to the military schools alone for the leaders of his armies. He understood men and employed great qualities wherever found, and the result was that his ‘eagles’ dominated the world. The value of opportunity will be understood by a brief reference to some other distinguished commanders during the war. Opportunity waited for Grant. He won Donelson and fought the battle of Shiloh, and was then superseded by Halleck. Opportunity came to him again before and at the fall of Vicksburg, and she again came to him with a smiling face at Chattanooga. She invited him to the Army of the Potomac when McClellan, McDowell, Pope, Hooker and Burnside had failed, and at a time when the politicians at Washington had been taught by our reverses that to make and unmake commanders for the Army of the Potomac would not put down the rebellion. Grant, when he reached Washington, was made the dictator of the republic. His will was made law. He touched the wires and armies were created and moved at his word. The governors of states became his recruiting officers, and recruits moved from the states in masses to fill the vacancies in his ranks, created by disease in his camps and death on his battlefields. He was placed upon an eminence of command from which he overlooked the whole field; and with the resources of the country at his command, he crushed the rebellion, and no other

policy and perhaps no other man was equal to the occasion.

“Opportunity waited for Sherman with great patience. He did not distinguish himself at Bull Run in 1861, nor in Kentucky, or in Missouri. At Shiloh, he says that he was not surprised, though he confesses some astonishment that he was attacked unexpectedly. His assault upon Vicksburg was unfortunate. His raid upon Meridian, in 1864, was not fruitful of good results, nor did he succeed in crowning Missionary Ridge until the enemy was successfully assailed by the Army of the Cumberland; but opportunity finally came to him and gave to him the command of the army on his march from Chattanooga to the sea. Perhaps she was not so kind when she allowed him to exhibit his superiority to men trained in the pursuits of civil life, as he did in his never-to-be-forgotten negotiations for the surrender of Johnston. Grant, who entertained a different view of his duty, assigned General Logan to take command of the army at Nashville in December, 1864; and the events which followed further illustrate the value of opportunity, for if Logan had reached Nashville one day before Thomas commenced his battle, Logan would have taken command of the army and won a great victory, while Thomas, who now occupies so grand a place among the illustrious soldiers of the republic, would scarcely be remembered. It would afford me pleasure to enter into the details of the military life of General Logan, and give an account of his services at Belmont, at Donelson, at Shiloh, and in the battles in the advance upon and before the siege of Vicksburg and around Atlanta, but the needed information on these subjects is before the country, and I may add that in addition to a purpose I have already disclosed, my only object is to present him to your view by reference to characteristic events as he will in my judgment stand in history. To attempt to make my audience comprehend my estimate of the character of General Logan by comparing him with any other

man whose name is familiar in our history, would probably mislead or delude, but still, at the risk of being misunderstood, I will attempt it. In most important respects, he resembled Andrew Jackson, though less fortunate in mere accidents that give men distinction. He was the equal of Jackson in courage, resolution and promptness on the battlefield, but since Jackson's day, social and military conditions are essentially changed.

"Jackson, without formal military education, was the most eminent military leader of the day in which he lived ; but all the accidents of the times favored him. He commanded men who knew and loved him. The science of war as he practiced it was simple, and afforded a wide field for the exercise of personal martial qualities. The weapons of war were the arms possessed by the citizen, and except in the single operation at New Orleans, the enemy was the savage. Jackson was never 'over-slaughed' or controlled by the pedantry of military sciolists or the necessities of politicians. I feel quite confident that under like circumstances General Logan would have been equal to the duties, and would have won the victories which crown the name of Jackson.

"Nor was he one of the men made great by war, to be made small by peace, of which we have seen in our history so many melancholy examples. After the war was over and the authority of the government restored, he again entered the civil service of the country. I am not prepared to say the mind of General Logan was adapted to the highest achievements of statesmanship, nor do I believe that an example can be found in the history of the race where the highest military qualities and those of profound constructive statesmanship have been united in the same person. Washington and Jackson possessed great administrative abilities, so, in my judgment, did Logan, as I think he would have proven had he lived to attain the presidency. Administrative qualities are akin to those which are essentially military. Madison, though the most learned, thoughtful and profound of

our early constitutional statesmen, was painfully insignificant when the country became involved in war.

“When General Logan, after the war, returned to the pursuits of civil life, he found a party already organized which possessed the confidence of the country, from the results of the war. He shared its temper and spirit and at once became one of its leaders, a position he retained until his death. He was not a doctrinaire in politics, but essentially a man of action and a leader. He cooperated with his party in its efforts to maintain its ascendancy, and accepted its economic and financial theories; and I can remember but two instances in which he displayed his own personal characteristics without reference to his party. One, and the most significant of these instances is that of his intense, persistent and almost obstinate resistance to the restoration of General Porter to the rolls of the army. The story of the trial and conviction of General Porter by a court-martial is well known to the country, and his efforts to obtain from congress a reversal of the sentence, are equally familiar. The burden of General Porter was to prove to military men that he had sufficient reasons for failing to execute an order from his commanding officer to move forward and prepare to take part in the battle.

“General Grant (and there is no better authority) after a careful examination of the evidence now before the country, has decided that General Porter’s reasons are sufficient; but I will always believe that if the 15th Army Corps under the command of Logan had been at the time in the exact situation of General Porter and his corps, he and his corps would have furnished more satisfactory evidence of their disposition to move forward and take part in the impending battle.

“In a later instance General Logan refused to take part in the local disputes of Ohio politicians over the charge that one of the senators in congress from that state had obtained his election by corrupt means. I know nothing of the facts of this case, but Logan de-

clined to be dragooned into the controversy, and learned as a consequence, that no service to the country will protect a public man from the fangs of angry, disappointed politicians.

“But he is gone. He is deaf alike to the voice of praise or censure; his comrades, many of them older than he, will soon follow him, and they ask for him, and for themselves, no other epitaph than ‘here lies one who deserves to be remembered by his countrymen.’ ”

CHAPTER XXVII.

Marriage of the author—Nomination and canvass for Governor of Illinois.

On April 4, 1888, I was married a second time, to Mrs. Hannah L. Kimball, the daughter of Mr. James L. Lamb, of Springfield, Illinois. Mrs. Kimball was the widow of Mr. L. R. Kimball, who died in May, 1865. She is my companion and amanuensis, and has rendered me valuable assistance in the preparation of this volume.

On May 22, 1888, the evening before the meeting of the Democratic convention, I called upon the delegates and candidates for the nomination for the different offices of the state, including that of governor, from mere courtesy, and visited Mr. Sparks, of Clinton county, who was a prominent candidate, the Macoupin delegation, and Judges Anthony Thornton and S. B. Moulton, and was surprised by the suggestion that I should become a candidate for the nomination by the convention for governor. I declined to do so, alleging my age as an apology for my declination, when I was told by the gentlemen who had solicited me to become a candidate, that I would only be required to make a few speeches for publication, and "go through the motions."

I told them that the Democratic party would expect more of me than to be a nominal candidate, and that, if a candidate, I must try to be elected, but that I would take an hour or two to consult my friends and consider the matter, and would inform them of my decision before ten o'clock at night. After a brief consultation with a few friends, and those who had a right to advise me, I reported to the gentlemen who had proposed the nomination to me, that, "if the convention made the nomination with anything like unanimity, I would accept it, but that I would not engage in a struggle for the nomination."

The convention met the next day (May 23d), with General Jesse J. Phillips as president, and nominated me as a candidate for governor on the first ballot. I did not expect the nomination, and had only promised to accept it if conferred with unanimity, but I appeared before the convention and accepted it. I made my own issues in a speech which was reported as follows :

“MR. CHAIRMEN AND GENTLEMEN OF THE CONVENTION—My days of office-seeking for the gratification of ambition are over. I owe services to the Democratic party of the state and to the people, and to them I am willing and anxious to be useful.

“Without preface, therefore, I gratefully accept the nomination conferred upon me, and I will exert my best efforts to give your whole ticket success. I do not suppose you have nominated me for the presidency ; I suppose you are satisfied with the man who was nominated four years ago, when the Democratic party vindicated its wisdom by placing in nomination for the presidency its present incumbent, one of the most sensible, practical, earnest, patriotic men of the age ; nor do I suppose that you have nominated me for the senate of the United States. I suppose you believe, and that you know I believe, that the constitution of the State of Illinois is of binding obligation ; and, when that constitution declares that the governor of the state shall not be eligible to any office during the term for which he was elected, and he takes an oath to support that constitution, you expect it to be obeyed. When I had the honor to be governor of this state years ago, I said ‘I was the independent governor of the State of Illinois.’ I asked nothing of the legislature. I asked them to do their duty to the people ; I would do mine. If I shall be elected governor again, I will again be the independent governor of the State of Illinois ; and I will ask no favors of anybody. I gave four honest years of service before, and I will do so again if the people of this state shall honor me with their confidence. And, gentlemen of the convention, let

me say to you that the time has come when the people of the State of Illinois should be considered in our political canvasses. We have devoted years to the making of presidents. Now, Illinois must have some friends, and we must now appeal to the people of the State of Illinois to look after their own interests, and inquire why things are as they are to-day.

“We must inquire why it is that taxation has increased and is increasing. They must be told why it is. They must be asked why it is that the state has become an object of such contempt, that standing armies are raised in its midst to furnish mercenaries to Pennsylvania and Iowa—wherever and under what authority they act; how it is that private men may organize soldiers in the state, hirelings, to go with their Winchesters and overawe the people. If I am elected governor the people of this state shall have firm government, so far as it depends upon me; as firm as the law and no firmer; as weak as the law and no weaker.

“The government of the State of Illinois shall not under my administration, if I am elected, tempt by its feebleness weak men to crime, and then hang them for it; and men shall be told that the laws are supreme, that the law will furnish redress for every wrong, that the law deserves their respect, and that the State of Illinois deserves obedience to its legislation. The interests of the people of Illinois have been disregarded. We have been but a mere electoral district. The governors of the state have only regarded this honorable place to which you have nominated me as a stepping stone to other places. They have filled up all the state boards, penal, educational, reformatory and benevolent, with rings that are controlled by members of the legislature, and the members of the legislatures in turn make senators of the governors. That must be stopped. Gentlemen of the convention, if I shall have the strength to make a canvass of the state this year I will leave the making of presidents to those to whom you have assigned

that duty. I will endeavor to talk to the people of the State of Illinois about Illinois. God bless her—I love her! Her people are worthy of the best services of the best men everywhere, and if I shall be elected governor the State of Illinois shall have the benefit of earnest, sincere service devoted to its interests. Let Cleveland run the national government, that is his business. He won't need my help, and, as you recollect a little incident in my experience of years ago, I shall not need his.

“Gentlemen of the convention, I promise you fair, earnest, honest service during this canvass. I want to see the canvass conducted in Illinois upon plain, square, practical issues; that there shall be no dodging anywhere; that when we point out the extravagance or the negligence of Republican administrations we shall not be answered by hired bands playing ‘Marching through Georgia.’ I shall tell the people what the people have a right to know, and it will be no answer that they shall talk to us about the beauties of protection and the advantages of shackling commerce, that the rich may grow richer and the poor may grow poorer. Gentlemen, I am done.”

One writer says: “The occasion evidently inspired the speech, and again and again Governor Palmer was cheered in a manner that made the great hall ring long and loud with his praise, for this was the first occasion when a Democrat or Republican had dared to denounce the spoils system of politics or to speak plainly of the conduct of public servants.”

The same writer says: “General Palmer made his opening speech of the campaign at the opera house in Springfield the latter part of June. . . . But at the same time his adversaries were not idle, his administration while governor was critically reviewed and every supposable weak point was brought to the surface, and he thus became the object of universal attack, and official reports of the state were quoted in order to make

the assaults the more effective. The fact that he had once been a Republican was urged as a reason why no Republican should vote for him. He was accused of courting the influence of the anarchists, and an anonymous circular to this effect was spread broadcast. His controversy with General Sheridan at the time of the Chicago fire was revived. He was charged with resigning his command in front of the enemy, and Sherman's memoirs were cited to prove the charge. General Palmer bore these assaults with good grace. In his opera house speech he had anticipated his enemies by saying that his career in public life had been long and varied and he expected to have a great deal to say in regard to himself before the close of the campaign. . . . He held that his administration was an open book, that he had committed no act while governor of which he was ashamed, he concealed nothing and gave a reason for every official act while he was the executive which had been made the subject of the campaign. Some of his adversaries in their public speeches not infrequently advised soldiers to 'vote as they shot,' and there was perhaps no unkind word written or spoken of him during the heated contest that so touched his manly pride as did the attempt to cast odium upon his name as a soldier, and when the campaign was over he resigned his membership in the Grand Army of the Republic, as evidence of the displeasure he felt toward those of his comrades who had allowed political prejudice to call in question his acts as a soldier."

I hope that I may be permitted to add from the same writer: "The canvass of the state by General Palmer was regarded as the most illustrious since that of Douglas and Lincoln in 1858. He spoke not infrequently to ten thousand people, sometimes in the scorching sun, sometimes in the pattering rain, sometimes by the dim light of the torch, but always with a power and clearness upon the questions of the hour that arrested the attention of the whole country, and those nearest him, who

felt the public pulse as he mingled with the masses, assumed that but for the ever-pressing influence of the national campaign, he would have been elected.”— [Politics and Politicians of Illinois, 576–581.]

On June 19th, I had an appointment to speak at Lincoln, Logan county. I observed that the older politicians who had been accustomed to defeat kept away from the meeting, but I was met by an immense number of young Democratic voters, who insisted upon an earnest, energetic campaign. I asked what majority they would give me in Logan county, which before that time had given a majority to the Republicans? One of the persons addressed said, “We will give you three hundred.” Although I had some doubts about their ability to do so, I then and there determined to make the canvass energetically and “for all that was out.”

During the canvass, I visited all parts of the state, and spoke in more than sixty counties, frequently addressing two audiences in one day, and spoke to thousands of persons. At Streator, it was charged against me that I was in the service of the railroads, and that Mr. Paul Morton of the R. I. R. R. was the treasurer of my campaign.

In my speech, I gave an account of every cent I had received and the names of the donors. It did not exceed four hundred and fifty dollars, but the name of Mr. Morton was not among them, as I had never known him or had any correspondence with him.

Another charge was, that I had pledged the anarchists to pardon such of them as were in the penitentiary. Indeed, a circular imputing that purpose and pledge from me was published and widely circulated throughout the state. To that charge I could only oppose my denial, but the facts are, that a brother of one of the parties executed called upon me at my residence in Springfield one morning after my nomination and said to me that “if I would promise to pardon the anarchists then in the penitentiary, they would give me ten thousand votes.”

I told the messenger that I could "make no pledges, but that the anarchists in the penitentiary would stand upon the same footing that other convicts did." I have good reason to believe that the same proposition was made to my opponent, Governor Fifer, and was declined by him.

In my addresses, I advised the people to depend upon the laws and upon the officers to enforce them. I said I had vetoed the bill under which the Pinkertons were organized, and felt that entrusting police powers to private persons was "dangerous and corrupting." I discussed the railroad question and asserted the right of the state to prohibit combinations and trusts, for I even then foresaw, what has since occurred, the formation by corporations of trusts to regulate the prices of products.

I was defeated by 12,547 votes. Harrison's plurality in the state over Cleveland was 22,104. The Democrats hoped for my election, and Fifer's friends had believed that he would be elected by a plurality of 30,000.

It was claimed that the anarchists had voted for me, but when the vote of Cook county was fully canvassed, it was evident that such was not the case, but the real facts are, that Cook county was carried for me upon the ground that I had done so much for Chicago and Cook county at the time of the great fire.

CHAPTER XXVIII.

Letter to Hon. James E. Campbell—Meeting and action of Democratic state convention—Speech on the ratification of my nomination—Letter from the Hon. W. E. Mason—My reply.

The canvass of 1888 satisfied me that a Democrat could be elected to the senate of the United States in 1890 if the candidate for that office could be nominated by the Democratic primaries and the convention, and be permitted to canvass the state as the recognized candidate of the Democratic party. In addition to this belief, I think senators should be elected by the people of the states, and not by the legislatures, and that the constitution of the United States should be so amended as to make that course admissible. Accordingly, on March 1, 1890, I wrote to the Hon. James E. Campbell, Chairman of the state Democratic committee, the following letter :

“SPRINGFIELD, *March 1, 1890.*

“HON. JAMES E. CAMPBELL, STREATOR, ILLINOIS ;

“*Dear sir*—I have your favor of February 22d, and would have answered it sooner, but I have been both busy and sick. I am satisfied that the convention ought to meet in June ; any day in that month would be suitable. I saw Mr. Wright, of Petersburg, a few days ago and expressed my views to him fully. I cannot be in Chicago on the 6th on account of urgent engagements. I am anxious to meet the committee for personal reasons. While I desire to be clearly understood with reference to the senatorial question, I am in no sense a candidate for the senate. All that I have ever said is, that I think that the state convention ought to adopt as a permanent rule of party action the nomination of a candidate for the senate, and that if my view of party policy in that

respect is adopted, I would accept the nomination and make the canvass, but I should greatly prefer that some other person should be nominated.

“The motive that leads to this suggestion is, that I do not desire to be a member of the senate, and will only consent to be a candidate before the people in order to vindicate the principle of electing a senator by popular vote as nearly as possible. I wish it to be understood as not urging my views upon the party; on the contrary, if there is any considerable opposition to the plan I suggest, I would for the sake of harmony advise that it be abandoned.

“We will carry the legislature if we make a united, energetic canvass. Let nothing be done that will divide us, or dampen the enthusiasm of the party.

“Respectfully, JOHN M. PALMER.”

The committee met on March 6th, and fixed June 4, 1890, as the date for holding the state convention, and referred it to the Democracy of the different counties to choose delegates to the convention, and to express their preference for or against the nomination of a Democratic candidate for the senate.

Before the meeting of the convention, more than ninety counties (including Cook) of the one hundred and two in the state, had met in their primaries and determined that a candidate should be nominated, and selected me as their choice, and the convention unanimously indorsed me for the nomination. After the ratification of my nomination, I delivered the following address:

“*June 4, 1890.*

“GENTLEMEN OF THE CONVENTION—In 1888, the Democracy of Illinois paid me in full for all the services I had ever rendered them, for they gave me every vote they could command. No party ever did better, or can do better. The Democracy of Illinois have to-day paid me in full and in advance for all I can hereafter do for

them ; they have nominated me as their candidate for United States senator. They have not promised to elect me. They have given me a commission to go out and make battle for Democratic principles, and have promised to do all they can to help me. That is all any of us can promise to do. But it must not be understood that the Democracy of Illinois intend that I shall go out and fight everybody ; my mission is a very peculiar one. The Democracy of Illinois have commissioned me in their name to make an attempt to popularize the senate of the United States. I am not, as has been said by some of my friends who write for the newspapers—I am not bound as an expositor or definer of Democratic faith. There are thousands of Democrats in the state who will attend to that job whenever required. It does not need any special champion. The fact is, there is a growing feeling throughout the country, not confined to Illinois, that the national senate is becoming an element of danger, rather than of good. It is the only body of officials who are not responsible to anybody. The president, when nominated by the national convention, although he takes but a small part in the canvass that precedes the election, is made the subject of criticism ; his whole life is examined, his business relations are discussed, and at last the people pass upon the men who are presented to them. Not so with a senator. Sometimes, as is found in this state, when the governor uses his patronage while occupying the position of chief magistrate of the state, and later on, secures the majority of the legislature, when the legislature assembles the party caucus nominates him, he ceases to be governor and becomes senator, and from that time forth he is responsible to nobody. He travels through the state during the pendency of the elections, and criticizes the candidates, but is responsible to no one.

“It is the purpose of the Democracy of Illinois that hereafter when a senator comes into the state somebody shall take care of him. It is intended hereafter that the

senators from Illinois shall give an account of themselves. Heretofore, as I have said, they have traveled through the state responsible to nobody. National expenditures are increasing at a fearful rate. The new state of Montana is organized, and two senators stolen, and we are threatened with an election law, which is to make our representatives just what the party in power may choose. Our senators will take part in these measures, but when they come into Illinois it is the purpose of the Democracy that they shall answer for their conduct at the bar of public opinion. They shall be asked why the people of the State of Montana are not allowed to have senators who represent them! They will be required to respond to these questions. They will be asked, what have the people of the State of Illinois done that the power and control over their own elections shall be taken from them and placed in the hands of irresponsible federal officials? They will not escape by wrapping their senatorial togas around them. It is the intention of the Democracy that these men shall be compelled to answer. Here they will be surrounded by the representatives of four hundred thousand Democratic votes, and an answer will be demanded. That is the purpose of your action to-day, not to provide a champion for Democratic principles, not the sending forth of a knight-errant to encounter windmills. The purpose is, that hereafter these senators shall be made responsible to the people, their acts shall be inquired into, and they shall be called to respond to them just as other people are required to do. That is the purpose of the movement; it is to popularize the senate of the United States.

“In other states gentlemen have found evidence that satisfies many people, that in some of those states the request of a senatorial candidate for votes is expressed in the form of a ‘check.’ It will be the purpose of the Democratic party that such ‘checks’ shall not pass current in senatorial elections hereafter, but that the conduct

of those officials shall be investigated. They shall, for the first time in our history, be made responsible for their conduct. We know that in the earlier history of the republic, the senator was regarded as so much the servant of the state that legislatures instructed them as to their duty, and the common law of politics of that time required that the senator should obey the instructions given by the legislature, or resign, that the legislature could elect some one who would respect the wishes of the people who sent him to the senate. But all that has passed by, and now those gentlemen are responsible to no one. The party caucus actually makes the nomination, the majority elects him for the time being senator, and the senator is under no obligations to answer for his conduct to anybody; and in this case I say the action of the Democratic party of the state is a warning to Mr. Cullom, a monition to Mr. Farwell, and to those men generally of the Republican party, that when they think proper to nominate a senator they will do it.

“Well, this commission will be a burden to me, and you know you must take care that Democratic principles are enforced. There are thousands of Democrats all over the state while this work on this charge is being performed who will take care of the followers behind. That is the mission on which you have sent me.

“Gentlemen of the Convention, I trust during this canvass I may be able to render an additional service to the Democratic party that is to assure them of my belief that Illinois is to-day a Democratic state. It is to assure the Democracy of the state that the time has come when they may be Democrats without forfeiting their social standing or injuring their character as church members. That now public opinion has so far changed that not only is that true, but that the intellect and intelligence of the country is now with the Democratic party, and the work of the party from this time forward requires but this, that the old men should remember that they still owe duties to their country which will last as long

as they live ; that the men in middle life will feel that good government must be maintained for the welfare of their children ; that it is upon the young men we must depend in this struggle ; and I, for one, will say in this campaign I want to be regarded as a captain for one purpose. I want to say to every young Democrat in this state, that you have the right to go forth and fight this battle for good government, and if you fight it earnestly, you will win it.

“Most of the Republican party believe that they should stand by the men in power, and their patriotism requires that the older they grow, the more money they should receive. They have succeeded to all the patriotism of the old soldiers in the army, and still require that you should provide for their noble service to the country. That is not true of the young men, and you will now have to fight for the principles of the Democratic party.

“Gentlemen of the Convention—It is not necessary that I should say I thank you most profoundly for this additional evidence of your confidence. I thank you with my whole heart for your kindness.

“I have read with the greatest interest the proceedings of your county convention, and the kind words spoken of me, and I have felt grateful to all of you, and I shall enter upon this contest with all the energy I can employ in that direction.

“I believe sometimes I have read a newspaper published by my young friend, Mr. Medill, who designates me as a ‘decrepit old man.’ I have only to say that if he does not quit, I will treat him as the prophet did the boys—I will ‘set the bears’ on him ; I will set the bears on those juveniles who follow me.

“I shall endeavor to make a good fight for a good cause, and I shall call on one and all of you to do your full share in this work.

“There is to be no ‘off year’ in politics in Illinois any longer. The Democracy of Illinois does not require the incentive of a presidential election to bring them out to

work. And this should be no 'off year.' It should be one of labor for the cause of right and justice, and that the people may be delivered from the terrible oppression under which they now labor. Gentlemen, I repeat my thanks, and with that I am done."

During the summer after my nomination and whilst engaged in the canvass, the following correspondence took place :

"WASHINGTON, D. C., *August 15, 1890.*

"HON. JOHN M. PALMER, *Springfield, Illinois: My Dear Sir*—I have read what purports to be extracts of speeches made by you in regard to legislation proposed and passed by the present house of representative, and believing the people will take more interest in it and understand public questions better if they were jointly discussed, I therefore very respectfully invite you to meet me in joint discussion upon the questions which have been pending in the fifty-first congress. I desire to maintain that the action of the Republican party on the silver, tariff, national election, anti-trust and pension legislation have been more for the interest of the people than any similar legislation offered or passed by the Democratic party during its last four years of power.

"I suggest these questions, as I desire to discuss live issues, but will take up any other question you may desire, comparing the record of the two parties. I am sure no personalities will be indulged in, and I am led to believe you will receive this communication in the spirit in which it is written.

"Please do not think me presumptuous. I know your experience and ability as a lawyer and as an orator, and trusting nothing to my own ability but wholly to the justice of my cause, I desire to meet you in joint discussion as suggested herein.

"Very respectfully yours, WM. E. MASON."

“SPRINGFIELD, ILLINOIS, *August 18, 1890.*

“HON. WM. E. MASON, HOUSE OF REPRESENTATIVES,
“WASHINGTON, D. C.

“*My dear sir*—I have to acknowledge the receipt of yours of August 15, 1890, in which you say: ‘I have read what purports to be extracts of speeches made by you in regard to legislation proposed and passed by the present house of representatives, and believing the people will take more interest in, and understand public questions better if they were jointly discussed, I therefore very respectfully invite you to meet me in joint discussion upon the questions which have been pending in the fifty-first congress,’ and you express a desire to maintain in such joint discussion that the ‘action of the Republican party on the silver, tariff, national election, anti-trust and pension legislation have been more for the interest of the people than any similar legislation offered or passed by the Democratic party during its last four years of power.’ The Democratic party of Illinois share with you the belief that the people take more interest in, and understand public questions better, if they are jointly discussed in their presence, and the Democracy of nearly every county in the state gave expression to that belief when, in their primary meetings, they declared that sound policy dictated the nomination of a candidate for a senator in the congress of the United States, and did me the honor of expressing their preference for me as such candidate; and it was a source of profound regret and something of a surprise not only to the Democracy, but to many Republicans, and to the large class of voters who are not in harmony with either of the leading political parties, that the Republican state convention not only declined to nominate a candidate for the senate, but refused to designate a distinguished citizen whose name I am informed was suggested, to jointly discuss with me the political questions that most deeply interest the people.

“Understanding from these facts that the Republican

leaders of Illinois, in declining to name any one of its distinguished men (yourself included) for whom they are willing to be responsible in joint discussion such as you propose, I am not able to see what public advantage would result from an acceptance of your invitation.

“It will readily occur to you that our relations to the people of the state are essentially different. A very large number of the electors of the state, by nominating me as a candidate for a seat in the United States senate, have made themselves responsible, not only for my political opinions and conduct, but for all the important acts of my public life, while on the other hand, the political party to which you are attached have declined making itself responsible not only for you, but for all others of its public men.

“I beg to assure you that I entertain none but feelings of personal friendship and respect for you, and I know no gentleman in this state more capable of vindicating, if vindication were possible, the measures to which you refer, and it would afford me the greatest satisfaction if the Republican party should, before the election, accept your view of the value of the joint discussion of public questions, and name you as a candidate for the United States senate. In such an event it would be my duty, upon an intimation of your wishes, to accept an invitation to engage in such joint discussion as might be arranged.

“Respectfully,

“JOHN M. PALMER.”

The legislature assembled on the Tuesday after the first Monday in January, 1891, and cast one hundred and fifty-three ballots for senator, and on the one hundred and fifty-fourth ballot I was elected, March 11, 1891.

The legislature consisted of one hundred Republicans, one hundred and one Democrats, and three populists who voted for their candidate, Mr. Streeter. The Republicans voted for Governor Oglesby on a great many bal-

lots, but finally, with the aid of Dr. Moore and Mr. Cockrell, Populists, I was elected.

I am largely indebted to the speaker of the house, Hon. Clayton E. Crafts, the one hundred and one Democrats who so faithfully adhered to me for one hundred and fifty-four ballots, and hosts of other friends, remembered if not mentioned.

CHAPTER XXIX.

Take my seat in the senate—Funeral of Senator Plumb—Speech on election of senators by the people—Discussion with Mr. Chandler.

I took my seat as senator from the State of Illinois on December 7, 1891, and was assigned to the following standing committees: "Military Affairs," "Pensions," and on "Railroads," and the select committee "to inquire into all claims of citizens of the United States against the government of Nicaragua."

Preston B. Plumb, a senator from Kansas, died on December 20, 1891, and I was appointed one of the committee to accompany his remains to Emporia, Kansas, with Senators Peffer, Dolph, Paddock and Gordon. We proceeded to Emporia by way of Indianapolis, Terre Haute, St. Louis, Kansas City and Topeka, and there buried our late associate.

From the assembling of congress after the holidays, I took part in the debates upon all the important questions that came before the senate. I advocated the admission of Fred T. Dubois to a seat in the senate from the State of Idaho. Mr. Dubois was opposed upon the ground that he was elected on December 16, 1890, which was the second Tuesday after the organization of the legislature of Idaho.

The senate of Idaho had assembled and elected a speaker *pro tempore* and a secretary, and adopted the rules of the last territorial assembly, and provided for the drawing of seats by the senators.

I maintained that the senate of the State of Idaho was organized for the purposes of the act of congress of 1866, and that the election of all the officers of the legislature were *pro tem* as long as the legislature would continue them in office. Mr. Dubois was admitted to his seat in the senate.

On February 18, 1892, I called up the resolutions which I had before offered for adoption, which were as follows, and afterwards addressed the senate in the speech given below :

“Resolved, by the senate and house of representatives, etc., that the following amendment to the Constitution of the United States be proposed to the legislatures of the several states, which when ratified by the legislatures of three-fourths of the several states shall become a part of the constitution.

“The senate of the United States shall be composed of two senators from each state, chosen by the people thereof for six years, and each senator shall have one vote.

“Electors for senators in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

“When vacancies happen in the representation of any state in the senate by resignation or otherwise, the executive authority shall issue writs of election to fill such vacancies.

“At any election for senator the person receiving the highest number of votes shall be held to be duly elected.”

“MR. PRESIDENT—In calling the attention of the senate and the country to the subject of an alteration of the Constitution of the United States, which shall provide for the election of senators in congress by a direct vote of the people of the several states, I only obey the instructions given me in the most impressive manner by the people of the State of Illinois.

“The people of Illinois are loyal to the constitution, and are devoted to the principles of orderly, constitutional free government, but they believe that the election of senators by the state legislature under existing conditions has failed of satisfactory results, and that the reform proposed by the joint resolution now before the

senate is demanded alike by correct principles and the highest considerations of public policy.

“Influenced by a knowledge of public opinion, the state committee of the Democratic party of Illinois, in 1890, in connection with a call for a state convention, submitted to the electors attached to that party two propositions to be considered and determined by them in their primary conventions. These propositions were, in substance, first, the propriety of a nomination by the proposed state convention of a candidate for senator to be voted for by the people at the next election, as directly as is possible under the provisions of the constitution, and, secondly, the selection of a candidate for senator if it should be determined that a candidate be nominated.

“The election of a senator by a popular vote, which by common consent should control members of the legislature, was not novel to the people of the State of Illinois, for they were familiar with the history of the great contest of 1858, when Douglas and Lincoln were spontaneously chosen to represent opposing opinions upon subjects which, by their gravity and importance, interested and excited every intelligent voter in the state.

“These great leaders traversed the state together ; addressed audiences composed of thousands of citizens at different important points ; and, separating from time to time, each pursued his own canvass until they were heard by a majority of the voters of the state.

“This historical contest involved principles of the most profound importance. It was characterized by exhibitions of oratory and logic and the most extensive knowledge of the principles of free government, but the questions they discussed, like the great actors in the drama, have passed into history, or live only in the memory of the few who still linger on the stage of active life.

“The conditions which existed in 1890 and now are

different from those of 1858. Then the questions discussed involved the existence of the Union. The great civil war which soon followed was foreseen by many, though but by few in its awful proportions. Now, proposed reforms in the government, and even alterations in its structure, may be considered in the form of calm reason, enlightened by experience.

“The result of the submission of the two propositions before mentioned to the Democratic electors of the state was, that the primary conventions held in more than ninety of the one hundred and two counties of the state, including the county of Cook, which contains now nearly, if not quite, one-fourth of its population, determined to nominate a candidate, and indicated their preference for the person to be presented to the people.

“The state convention, which was held on June 4, 1890, gave faithful expression to the popular will. It expressly approved the plan of electing senators by the direct vote of the people, and indorsed the candidate for the senate selected by the primary conventions.

“The convention also adopted a platform which distinctly and clearly expressed the opinions of the Democratic party of Illinois upon subjects which relate to the administration and policies of both national and state governments.

“The candidate nominated by the people and indorsed by the state convention accepted this platform as containing a substantial expression of his own opinions upon all the subjects referred to.

“During the subsequent canvass, he explained and defended the principles of the platform in many addresses to the people in more than fifty counties of the state. Upon the issues tendered by the platform adopted by the state convention, one hundred and one members of the state legislature (two hundred and four being the whole number) were elected by an aggregate plurality of more than thirty thousand votes.

“These ‘one hundred and one’ members of the legis-

lature, regarding themselves as electors chosen to register the will of their constituents, between January 21, 1891, and March 11th, voted for the candidate nominated on one hundred and fifty-three ballots, and on the one hundred and fifty-fourth ballot they were joined by two members of the house of representatives who were favorable to the election of senators by the direct vote of the people of the several states, and on that ballot a senator was elected.

“Mr. President—I am here to-day the senator elected by the free people of the State of Illinois, and my duty to them and my own sincere and well-matured convictions alike require me to urge upon the senate the submission to the legislatures of the several states an amendment to the Constitution of the United States which will provide that the senators shall be elected by the direct vote of the people of the states.

“Mr. President—I repeat, in substance, what I have before said, that the constitutional mode of electing senators by the legislatures of the states is no longer satisfactory to the American people.

“I do not mean to make myself responsible for the charges of bribery and undue influence which attend nearly every senatorial election by indorsing or repeating any of them, and, in referring in even this slight manner to them, I do so only to emphasize the statement I have heretofore made, that the people no longer confide in, but are profoundly distrustful of, the methods of electing senators by the state legislatures.

“It is not a sufficient answer to the popular dissatisfaction with the present mode of electing senators to say that it is the method provided by the constitution.

“Mr. President—Much of that profound reverence entertained by the friends of a free government throughout the world for the Constitution of the United States results from an association of the instrument with the names of the patriots and statesmen who composed the convention of which Washington was the president.

“It is, however, a fact disclosed by contemporary history, that the constitution at the time of its adoption was regarded by many of the most distinguished members of the convention as an experiment of extremely doubtful success, and that, while some members of the convention refused to sign the constitution, or make themselves responsible for its provisions, others approved it upon the ground that whatever its defects might be it was preferable as a framework of government to the articles of confederation to which it would succeed.

“The provisions in the constitution for its own amendment, by peaceable, orderly methods, was one of the happiest conceptions of profound statesmanship; and that it was placed in the constitution justifies the belief that even the necessity for a new system of government would not have been sufficient to secure the acceptance of the constitution by the requisite number of states if it had not been for the confident expectation entertained by many that it would thereafter be improved by essential amendments.

“It may well excite surprise that the framers of the constitution, who were familiar with the long struggle in England to secure popular rights, neglected to provide in the constitution securities for freedom in the exercise of religion, free speech, a free press; the right of the people peaceably to assemble and petition the government for a redress of grievances; the right to bear arms; the right to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures and against general warrants not supported by oath or affirmation; and that they failed to provide by the constitution that no person should be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury; nor did they provide protection for the citizen against being put twice in jeopardy of life or limb for the same offense, or against being compelled to bear witness against himself, nor place his life, liberty and property under pro-

tection of due process of law. Private property was not protected from being taken for public use without compensation, nor was there secured to citizens accused of crime the right to a speedy and public trial by an impartial jury of the legal or actual vicinage, nor the right to be informed of the nature and cause of the accusation against him; to be confronted with the witnesses against him; to have compulsory process for having witnesses in his favor and the assistance of counsel in his defense; nor did the constitution as it came from the hands of the convention afford protection against the demands of excessive bail, nor the imposition of excessive fines, or the infliction of cruel or unusual punishments.

“To remedy the obvious omission, and to provide adequate security for the protection of these important rights, the first congress which assembled under the constitution proposed ten amendments to the legislatures of the states for their approval. These amendments were adopted, and became a part of the constitution. The constitution we reverence is not the fragment prepared by the convention, but the complete instrument perfected by the amendment.

“Five additional amendments to the constitution have since been adopted. Of these, the thirteenth, fourteenth and fifteenth, grew out of conditions which could not have been foreseen or provided for by the most sagacious statesmen; but the eleventh and twelfth amendments are organic, and were devised to cover original defects in the government.

“The framers of the constitution found but little difficulty in the application of the principle then as now so important, of distributing the powers of the government to three independent departments, or, as it is well expressed in the constitution of one of the states, ‘those powers of government which are executive, to one department, and those which are legislative to another, and those which are judicial to another.’

“But the method of selecting the person to execute the duties and discharge the functions pertaining to the several departments was the subject of profound differences of opinion among the members of the convention, and of extensive debate. It is said that the proposition, ‘that the national legislature ought to consist of two branches,’ was agreed to without debate or dissent, except that of Pennsylvania, given probably from complaisance to Dr. Franklin, who was said to be partial to a single house of legislation.

“It is manifest that there prevailed in the convention the most profound distrust of popular elections. It was conceded, indeed, that an election of one branch, at least of the proposed legislature by the people, immediately was a clear principle of free government. Mr. Gerry, whose name is connected in modern political life with a practice which is invariably denounced by minorities, conceded that much. He said: ‘It was necessary that the people should appoint one branch of the government, in order to inspire them with confidence,’ but he wished the ‘other to be so modified as to secure a just preference of merit.’

“The organization of the senate was for more than one reason a matter of difficulty; the small states demanded equal representation in the senate, and this was, as we know, ultimately yielded. But it is probable that the general purpose of the convention in the organization of the senate and in the election of senators, was expressed by Mr. Dickinson, who said he wished ‘the senate to consist of the most distinguished characters, distinguished for their rank in life and their weight of property, and bearing as strong a likeness to the English house of lords as possible,’ and he thought ‘such characters most likely to be selected by the state legislatures, than by any other mode.’ Mr. Madison, sharing the same feeling, said: ‘The use of the senate is to consist in its proceeding with more coolness, with more system and with more wisdom than the popular branch.’ On another occasion

he said 'he was an advocate for refining popular appointments by successive filtrations,' but thought 'it might be pushed too far.' He wished 'the expedient to be resorted to only in the second branch of the legislature and the executive and judiciary branches of the government.' Considerations like these largely influenced the convention to confide the election of senators to the legislatures of the states. Perhaps it will excite surprise to persons who are familiar with existing conditions, to be reminded that another of the objects intended to be accomplished by the election of senators by the state legislatures, was that of protecting the commercial and moneyed interests. It was argued in the convention 'that the commercial and moneyed interests would be more secure in the hands of the state legislatures, than of the people at large.' The former has more strength of character, and will be restrained by that from injustice.

"And then, to illustrate their incapacity, it was added : 'The people are for paper money, and the legislatures are against it.' In Massachusetts, the county conventions had declared a wish for 'a depreciating paper that would sink itself.'

"At that time the 'planting states,' as they were termed, were the wealthiest, and their influence was dreaded by the commercial states of the East and North. What marvelous changes time has produced ! The 'commercial and moneyed interests' are now most potent. They have representation in every department of the government.

"I do not concede that the framers of the constitution properly estimated the intelligence and capacity of the then people of the several states. Most of the members of the convention were themselves still under the influence of the inherited, aristocratic ideas, and were without experience of the successful working of popular institutions. They were surrounded by the most discouraging circumstances ; the separate American states

in their aggregate territory were but a strip between the ocean and the mountains ; they were without an adequate government, without commerce, without credit or established industry. With the aid of France, they had but lately succeeded in establishing their independence, which Great Britain had yielded with haughty contempt for their poverty and weakness.

“The inefficiency of the articles of confederation led to the calling of the convention, and the object of the leading members of the convention was to provide a new government, founded on popular rights, which should at the same time produce stability and strength.

“Having these objects in view in the formation of the new government, it is not surprising that the framers of the constitution feared that to allow the people a larger participation in the direct control of the government, would be to introduce into the system an element of weakness.

“In this apprehension, no doubt, the authors of the constitution were mistaken, for experience has demonstrated that whenever any portion of the American people have been intrusted with political power they have been equal to its responsibility. They enter and occupy new territories in multitudes, and at once improvise governments and establish order.

“The Americans of that day would, like their descendants have been equal to their responsibilities and have added strength to the fabric of the government of the constitution. They were brave, patriotic and self-denying ; they were not instructed in the learning of the schools, but they loved liberty and order, and were masters of the art of self-help and self-care, which is the most useful, if not the noblest, education.

“If, however, it was conceded that the framers of the constitution properly estimated the intelligence of the people of that day, we cannot be blind to the changes produced by a century of progress.

“It is easy to compare the American republic, which,

at the time of the adoption of the constitution, was only able to ask of Great Britain, in terms not amounting to a demand, a compliance with the terms of the treaty of peace, and which begged the privilege of sharing the navigation of the Mississippi river, with the great republic of to-day, composed of forty-four organized and powerful states which extend from the Atlantic to the Pacific ocean; from the great lakes to the gulf, and to the line that separates the United States from Mexico, which is threaded by systems of railways of which our fathers never dreamed, with a population approaching seventy millions, and with an external commerce probably as great as was that of the world a century ago.

“But it is not in material respects alone that the United States have, within the century, accomplished so much, for, in 1787, liberal culture was the exception; in 1892, it is the rule.

“Now, the school-house dots every neighborhood, youthful libraries are found in every village, institutions for higher culture are open to the humblest student, and the newspaper, with its many million sheets, reaches daily the most obscure settlement, and the telegraph and telephone have annihilated time and distance, and steam, a comparatively new force, is almost obsolete, now that the lightning is made subject to the requirements of human necessities.

“But few public men can be found who do not recognize the intelligence of those who control the instruments of modern industry, and those who are engaged in what were once the sober and quiet pursuits of agriculture, quickened by the consciousness that the products of their acres are by the modern means of communication and transportation brought into competition with every productive acre on the globe, are asserting their right to participate in the direct control of the government.

“It may be lamented, but it is true, that the peaceful contentment of farm life is no longer found anywhere,

since the farmers are but the manufacturers of the raw material of commerce, and have become necessarily restless students of political and social economy.

“From what I have said, the conclusion is inevitable that none of the reasons which led the framers of the constitution to deprive the people of the direct control of the executive department and of the senate now exists. Experience long ago demonstrated the uselessness of the electors as agents for the selection of presidents and vice-presidents. Electors are now but counters for the enumeration of the votes of the states—the John Does and Richard Roes of our political system.

“The propositions, I repeat and seek to maintain, are, that the constitution should be so amended that the election of senators should be taken from the state legislatures and conferred upon the people, to be exercised by them directly. Specific proof of the incapacity of the legislatures to exercise electoral functions, and of the capacity of the people to do so, will be found on examination of the revised and amended constitutions of the older states and of the new states modeled after them. It will be sufficient for my purposes, and tend to brevity, for me to refer to the Constitution of the State of Illinois; that is, the original constitution of 1818, under which the territory of Illinois was admitted into the Union, and the revised constitutions of 1848 and 1870.

“The territory of Illinois extended from the Wabash to the Mississippi and from the Ohio to Lake Michigan. Almost the entire population was south of the present capital of the state, while the northern half was what, in 1818, seemed limitless prairie. The population of the northern half was so sparse that, as late as 1821, Chicago was described in a book of authority as ‘the village at the mouth of Calamick creek, in Pike county.’ The emigrants to Illinois territory were the pioneers of civilization, chiefly from Virginia and the Carolinas, who had found their way through Tennessee and Kentucky. Soon after they crossed the Ohio, their emigrations were

checked by what seemed to be the dreary waste of the central and northern portions of the territory.

“The people I have attempted to describe were, beyond anything that we can now conceive, jealous of the executive authority, and, therefore, by the constitution of 1818, they reserved to themselves the election of a governor, but surrounded him with a council of revision, consisting of the judges of the supreme court, and then, apparently distrusting themselves, they provided that the justices of the supreme court and the judges of the inferior courts should be appointed by both branches of the legislatures. The constitution further provided that the justices of the peace should be appointed in such manner as the general assembly should direct, and the legislature was authorized to appoint the executive officers of the state government, with the exception of the secretary of state.

“Under the constitution of 1818 the legislature was omnipotent, and it is difficult to describe the extent to which it abused its powers. It established a visionary system of internal improvements and elected commissioners to execute the contemplated public works with authority to sell the bonds of the state in domestic and foreign markets, by which means a public debt was created so enormous, that when the people in 1847 called a convention to revise the constitution, poverty and distress prevailed on every hand. The legislature also reorganized the judiciary, and elected four additional justices to the supreme court.

“The convention of 1847 made many valuable changes in the existing constitutions. It prepared and submitted to the people a provision for the payment of the state debt, which the people, with that sturdy, rugged honesty and courage which has always characterized the people of Illinois, adopted by their direct vote, and saved themselves and their posterity from the shame of repudiation.

“I hope I may be pardoned when I pause and say

with feelings of pride that I assisted in the preparation of this proposition. I voted for it as one of the freemen of the state, and that in 1869, while governor, and the currency of the country was depreciated, Illinois paid its debt in gold. The convention of 1847, however, did more, for it deprived the legislature of all electoral power; it provided for the election of governor, and all the executive officers of the state, and the justices of the supreme court, and the judges of the inferior courts, by direct vote of the people, and further provided that no officer, whether created by the constitution or the laws, should thereafter be elected by the legislature.

“I confess, that as a member of the constitutional convention of 1847, I submitted to the plan proposed for the election of the justices of the supreme court by the people with reluctance; it was an experiment then, which has vindicated itself, and the judges of the Supreme Court of Illinois elected by the people have justified the highest hopes of those who favored the innovation. The illustrious names of the men who have composed the Supreme Court of Illinois are known and honored by the legal profession throughout the Union.

“The constitutional convention of 1870 adopted many improvements in the state constitution, and re-enacted the provision of the constitution of 1848, which deprived the state legislature of all electoral authority.

“Mr. President, if it was possible, it would be wise to incorporate in the Constitution of the United States many of the reforms to be found in the improved constitution of Illinois and other states for the protection of popular rights.

“I ought now to say that in the election of senators the legislature of Illinois is subject to such criticisms only as may be fairly directed toward the conduct of legislatures of other states.

“It is true, that it has been charged at different times that the votes of members have been controlled by federal patronage, and instances have occurred where federal ap-

pointments were given to members of the legislature very soon after they had voted for the successful candidate, and in one memorable case a long struggle in the state legislature was determined by the death of a member of the house of representatives who was a supporter of one of the candidates, and the election of a member who supported his leading competitor.

“It has been charged by one party, and confessed by the other, that the vacancy was filled by an ingenious trick practiced upon the very large Democratic majority. It has never been claimed that the representative from the thirty-fourth district of Illinois represented the people of the district, nor has it been denied that if the people of the district had known he was a candidate he would have been defeated.

“The vote of the member from the thirty-fourth district elected one of my most distinguished predecessors.

“And it has ‘gerrymandered’ the state in the adjustment of the congressional and legislative districts, and for this a remedy seems impossible; but if the constitution is amended to permit the election of senators by the direct vote of the people, then the ‘gerrymander’ will no longer influence the choice of senators, but will in that respect at least pass into ‘innocuous desuetude.’

“I will not assert, but I confess that I doubt whether the legislative districts in any state are so adjusted as to allow a fair and just expression of the popular will in the selection of representatives in either branch of the state legislature.

“I do not by this intend to assail the conduct of any political party, for, while states are ‘gerrymandered’ to serve the purposes of political parties, other causes have operated to produce unfair apportionment in state legislatures.

“The president, in his late annual message, called the attention of congress and the country to one instance which he apprehends may operate to defeat the popular will in one of the states in the choice of presidential

electors. The words of the president are entitled to the most profound respect, but he knows, as we do, that the 'trail of "the gerrymander" is "over them all."'

"The elections for the choice of presidential electors, the election of members of the legislature who elect senators, the election of members of the house of representatives in congress, are alike influenced and often controlled by the unfair arrangements of districts.

"If the amendment which I propose is adopted, the members of the senate of the United States will be chosen by the direct vote of the free people of the several states, and will be, what it never yet has been, the popular branch of the congress of the United States.

"There is one additional consideration to which I call the attention of the senate. In 1787, the property of the country was of small value; in 1892, its value can not be expressed in terms which can be comprehended by the ordinary mind. In 1787, it was believed by many that the security of property would be endangered by the direct participation of the people in the election of senators; now, the rights and liberties of the people are threatened by the overwhelming and all-pervading influence of property. It is not necessary, in order to make myself understood, that I should assail or denounce those who control the enormous aggregates of either fixed or speculative property; it is enough to point to the irresistible logic of existing conditions, the property, or to use more expressive words, the wealth invested in commerce, in manufactures, in the railways, the forests, the mines, and in the myriad forms of organized activity, demands legislation for its protection or its benefit, and its political power, whether employed in the congress of the United States or in the state legislature, rarely fails of success. Organized as it is it is so related that it can direct its influence to the attainment of any desirable end.

"Mr. President, the property to which I have alluded has now nothing to fear from the aggressive action of

the people, or from their direct influence upon the government. All they can gain by the amendment to the constitution I have proposed, will be enlarged powers of self-defense.

“Senators to be hereafter elected by the people by their direct votes will be their true and exact representatives and will defend their homes and their property from unequal and excessive burdens. They will dignify the states, for the people are the states. They will recognize their responsibility to the people who elect them, and they will find their reward in the approval of their fellow-citizens whom they have faithfully served.”
—[United States senate, February 18, 1892.]

On April 12, 1892, Mr. Chandler, of New Hampshire, answered the speech just quoted, and I give so much of his reply as is pertinent :

“Mr. Chandler, of N. H. . . . Mr. President, the senator’s record as a Republican was distinguished. He was entirely sound on the fifteenth amendment, and whenever this amendment to the constitution for the election of senators by the people is adopted, and also an amendment for the election of president and vice-president by the people, and it is necessary to enact a federal election law in order that the fifteenth amendment may be obeyed, I am glad to believe that, in view of the message of the senator which I have in my hand, we shall have his vote therefor. I ask the secretary to read it as a part of my speech :”

The secretary read as follows :

“EXECUTIVE DEP’T.

“SPRINGFIELD, ILL., *March 5, 1869.*

“*To the honorable speaker of the senate*—I have the honor to communicate to both branches of the general assembly a copy of the resolutions of congress proposing to the legislatures of the several states a fifteenth article to the Constitution of the United States.

“I deem it unnecessary, while performing this act of

official duty to do more than express my own earnest hope that the general assembly will at once give voice to the ardent wishes of the people in expressing the concurrence of the State of Illinois in this crowning act of statesmanship.

“Illinois owes much of its prosperity and greatness to the ordinance of 1787, which in addition to the exclusion of slavery from the territory northwest of the Ohio, took its place in history by the side of the declaration of independence, as the protest of Mr. Jefferson and his contemporary patriots against human slavery; and the state which led in the political contest of 1860, which gave to freedom its first victory and which was the home and now shelters in her bosom all that was mortal of the great martyr, will not hesitate a moment to assent to this measure of justice, which closes the greatest and noblest struggle the history of the world has known, and with ‘liberty and union, one and inseparable now and forever.’

JOHN M. PALMER.”

“Mr. Chandler. Noble sentiments, Mr. President, uttered by a Republican governor, with the excellent military record of the senator from Illinois. I do not wonder that the Democratic state committee—

“Mr. Palmer. Mr. President—

“The presiding officer (Mr. Harris in the chair). Does the senator from New Hampshire yield to the senator from Illinois?

“Mr. Chandler. At the end of this sentence: I do not wonder that the Democratic state committee selected the senator with whom to originate the popular movement which was to convert the State of Illinois from a Republican into a Democratic state.

“Mr. Palmer. I wish to state to the senator that it was not as a Republican governor, but as a man entertaining my own views. I had my own views. I was not the slave of any party. I repudiate all claim to any opinion I have expressed in the course of my lifetime as being

the doctrines of any political party. I have thought for myself and have spoken my own words on all occasions during my lifetime.

“ . . . That which I characterized as a trick has been so regarded in Illinois and laughed at and condemned in Illinois, and I think now there is a dispute as to who deserves the credit of the trick in the neighborhood where my colleague and I live.

“The fact is that the twenty-fourth district, I believe it is, of Illinois is very largely Democratic. A Democratic representative named Shaw died, and a special election was ordered. Judge Leiper, of Cass county, was nominated by the Democrats to supply the vacancy. The Republican managers made an agreement by which a man named Weaver, who was an insurance agent, and who traveled over the district as if he was engaged in his ordinary business, was to run as a candidate. His name was not mentioned otherwise than confidentially, but his supporters turned out in the afternoon of the day as I recollect the story, and the ballots were deposited and he was elected. I think Leiper got two hundred votes, perhaps, in a district of several thousand; and Weaver got three or four hundred. He traveled ostensibly engaged in his business as an insurance agent.

“I characterized that as an ingenious trick, and I think I was justified in doing so. That vote determined the majority that elected one of my most distinguished predecessors.

“Mr. Chandler. Did the senator mean General Logan when he said that?

“Mr. Palmer. I did not mention any name, but I know General Logan was the senator elected.

“Mr. Chandler. You knew it was General Logan's case?

“Mr. Palmer. I did, but I never imagined there was any malice about it; nor do I suppose now, as it was a public matter, that it was a thing about which I ought to keep silent. It was illustrative of the mischief of

electing United States senators by the votes of members of the legislature. It was a trick, understood to be a trick, laughed at by the Republicans as a trick, and denounced by the Democrats as a trick.

“Mr. Chandler. It was a popular election.

“Mr. Palmer. A popular election, but a trick, nevertheless.

“Mr. Chandler. It was not a trick in the legislature.

“Mr. Gray. Allow me to ask the senator from Illinois, if the insurance agent, to whom he has referred as having been elected as a Republican representative, was regularly nominated by the Republican party?

“Mr. Palmer. By no means. It was not suspected by the Democrats until after it was discovered, late in the afternoon of election day, that the Republicans were voting at all. (Laughter.) Their insurance agent had gone around the district making his arrangements, and the Republicans turned out to vote in the evening. It was a revelation to the Democrats. They had been beaten without knowing that they were opposed. That is the fact. If my friend can find, in my reference to that, any evidence of malice toward General Logan, or any evidence to depreciate his memory, the suggestion is supplied by his own mind, and not by mine, nor by those who heard me.

“Mr. President—The senator from New Hampshire has very kindly referred to some facts in my own political history. I suppose there is no man in the State of Illinois whose public life has been more open than mine, and I suppose there is no man in Illinois who has been supposed to act more according to his own will—I was about to say his own convictions—who has acted according to his own will more conspicuously than I have. The senator is mistaken in one fact: General Logan was never an anti-slavery Democrat; I was. General Logan went into the army in 1861, some

time after I did. General Logan had his own motives for doing so. I am not called upon to characterize, and I certainly do not characterize them in an unfriendly way. He acted according to the convictions of his own conscience and his own sense of duty, but he was never an anti-slavery Democrat; I was from the beginning. I think I inherited that feeling. My father voted for Thomas Jefferson in 1804, I think it was, and I had been trained in that faith, hostile to slavery. I do not think I ever in my life, while slavery was an existing institution, suppressed an expression of my opposition to slavery.

“When the war broke out, I entered the army early—went into the army on May 15, 1861, as the colonel of a regiment, elected by the votes of my neighbors and those who knew me. I served in the army as brigadier-general and major-general of volunteers. I did so from a sense of duty. After the war was over, I was elected governor of Illinois, upon the basis and upon the theory of standing by the public faith, paying the debt incurred by the war in gold. I was in favor of such legislation and amendment of the constitution as would secure the results of the war. I was open and outspoken, and I have taken nothing back yet.

“In 1872, after the Republican party had adopted the heresies of the old Whig party, I refused to go with it. In 1860, when the Republican party was organized, it was not a protective-tariff party, and Mr. Blaine says, in his most admirable book, that the protectionists came into the war for the sake of protection—in substance, without any feeling, without any sympathy with the anti-slavery party; and, when the Republican party adopted all the fallacies of the Whig party, I separated myself from it, and voted for Mr. Greeley, upon the principle—a very ludicrous principle now—that the subject of tariff should be referred to the people of the respective congressional districts.

CHAPTER XXX.

Opposed the Pure Food bill—Favored pensions for judges of the supreme court—Opposed the Indian bill—Homestead speech.

I opposed the "Pure Food" bill introduced by Mr. Paddock, of Nebraska, but avowed my readiness to vote for any bill which should be for the purpose of regulating the commerce in food products and drugs between the several states and territories of the United States.

I said, and I repeat, that "to the extent this bill goes beyond its declared object, it is objectionable. In some of the states it has been found necessary—in the State of Illinois—I think probably in the improved constitutions of all the states, it is required, that the object of the bill must be set out in its title, and in some of the states it has been held that so much of the bill as is not embraced in its title is void. . . . Now, I think, if I tell the senator from Nebraska that I am for all of his bill which I believe regulates commerce between the states in respect to food and drugs and am for all that is auxiliary to that purpose, I think I act in good faith. But if the senator thinks that I am bound to accept this bill with all that is irrelevant to its object, that I ought to submit to unconstitutional enactments to prove the sincerity of my declaration that I favor his bill, I can only say that I must submit to whatever censure he chooses to impose upon me."

. . . I favored an appropriation from the treasury for the meeting of the "Grand Army of the Republic," in Washington, and said: "Let them come, old men that they are; they will be here but a little time longer. Time is dealing with them, their heads are gray, their limbs are palsied, and they will desire to come for the last time to visit the capitol of their country which has

grown so much since the great hours of sorrow that spread over the whole land."

. . . I voted for pensions for the judges of the Supreme Court of the United States for this reason, as I have stated it: "I have witnessed the struggle between poverty and a desire to discharge duty, until I have the utmost sympathy for the men who engage in it. I have known judges of eminence to become involved in speculations; a great lawyer is not likely to have much money saved. I believe there are exceptions, but as a rule they are not remarkable for their money keeping capacity, and I have known them to become involved in speculations that would not have been very attractive to men of experience. I have witnessed the struggle, and I should be glad to see the principle adopted of paying a judge such salary *in presenti* and in future, as would enable him to feel that he had his life work upon him, and that he might feel relieved from those anxieties that attend men as they grow old, with the consciousness that their physical and mental faculties too are not as they were at an early period of their lives. . . . I desire that the judge shall feel that whatever the duties of the place are, he shall have none of the temptations to engage in business or distract his thoughts. . . ."

March 18, 1892, I opposed the bill reported by the committee on Indian affairs, placing the Indians under the control of the war department, and said:

"It is exceedingly strange to me that during the centuries that have passed since the Indians were a war-like people, they should have been entrusted to the care of civilians, and now that they have become broken, a mere fragment of their tribal relations existing, it should be proposed to turn them over to the army. One would suppose that we had reached a point where they would be the most proper subjects for a civil control. I have great respect for the officers of the army, but I have

never supposed that their education fitted them for the particular features of care that the Indians require as they have been particularly described by the senator from Oregon (Mr. Dolph), and others who have attempted to describe them. What is the exact condition of the Indians to-day, as we understand it? I speak in general terms. They have been driven from nearly all the fertile lands upon the continent. They were first driven from the Atlantic to the mountains in this direction, and the people of Oregon and other Pacific states have driven them east towards the mountains; they are feeble, while they have gained something in civilization, they have lost very much by civilization. And at no time in the history of the race, have they so much required that peculiar care which can be given by intelligent men and women as they do now. . . . I have no patience with any form of argument which places this subject upon the pure and simple ground of economy. It is easy for gentlemen to say that the Indian ought to work, that they should be made to work. All that is easy generalization, a very simple thing, but here is this race in its present condition. . . . I am not disposed to enter into any nice discussion as to what they ought to do, or how much they may be made to do. I am insisting upon treating them as they are to-day, and have been made by our policy. Treat them as they are, feed them. . . . After feeding them, or in connection with feeding them, care for them.

. . . "Mr. President, I know of but few things more pitiable, whether applied to young children or applied to 'children of a larger growth,' like the Indians, than subjecting them to the perpetual drill of military rule. The senator speaks of the advantages of evening schools, post schools, the canteen and other methods by which the simple, everlasting treadmill of discipline may be enforced. It is the most cruel system of government. It is like shutting children up in some of our charitable institutions and compelling them to go through

the drill every day. . . . I protest, therefore, that whatever may have been the necessity heretofore in placing the Indians under the control of the army, the day for it has passed. They should be under the control of intelligent, humane men and women, that the influence of both may be brought to bear to humanize, civilize and elevate them. . . . The buffalo has gone, the Indian will go. . . . I suppose men who have been with civilized armies have seen brave men, civilized men, maddened by hunger. For I have never seen the man with a musket, or the man who had power, die with hunger, when food was within his reach. . . . I spoke and voted for a measure authorizing the people of Arizona to fund their bond issue in gold. . . . I opposed the bill in reference to the Chinese immigrants, by which it was proposed to exclude Chinese from testifying; and voted for the prosecution of the claims of the government against the Pacific Railroad. . . . I said in a debate on May 4, 1892: "The United States, in the first instance, established homes where men were isolated. It also established 'Soldiers' Orphans' Homes,' where the children were isolated. It has always been thought that an experiment that would authorize any of the states to collect and employ and educate the families of certain classes of soldiers and sailors would be a wise experiment, and would probably lead to the solution of the difficulty which we have all experienced. We have a large 'Soldiers' Orphans' Home' in Illinois. I have always felt the embarrassment of separating these children from their surviving parents and from their home associations, and caring for them in the sort of semi-military way that is necessary in the homes. For several years I had the honor of being one of the managers of the national homes. At Dayton, where there are many thousands of soldiers, I found a difficulty almost incurable in the separation of soldiers from their families and from home associations. When I saw this proposition, to lend to the State of Kansas, that the state may with its

own resources make the experiment of bringing soldiers, decrepit old men and their families to a home, where home-life can be enjoyed by these old men, I was glad. I know of but very few things more pitiful than the necessity that separates an old man from his family, and in order to enjoy the benevolence of the government, to abandon the care of those whose care would be so precious to him. In this proposition, an opportunity is given to the State of Kansas to make the experiment of caring for these old men and their old wives, and in bringing them together, and promote the happiness of all. My remarks had reference to Fort Hayes reservation, which included two and a half sections of land." . . .

On the subject of giving an American registry to British ships, I said: "I have listened with admiration to the brilliant picture drawn by the senator from Maine (Mr. Frye), and if my imagination was not somewhat chilled by age, probably, or by remoteness from the ocean, I should sympathize with him, but it promises too much good to the country. There is too much offered by these patriotic citizens to justify at least not speedy and sudden action upon this bill. If the statements made are true, might not some general law be prepared which would allow other patriotic men to indulge their passion for the flag? Why limit it to these two ships? Are there not others afloat which would desire also to bear the flag? Why should the privilege be conferred only upon the owners of these two ships? . . . I favored an appropriation for the World's Fair at Chicago. . . . I opposed a bill which had for its object the enforcement of treaty rights, upon the ground that it referred to the statutes of the states, and said: "The United States is a unit in its relation to foreign countries, and the statutes of states are local, and are referred to here merely for the purpose of ascertaining what law is to be employed. It is equivalent to saying that there shall be the United States as one whole body of the country, and this is to establish forty-four

different rules in the same territory. I imagine the United States has no power to pass a law that shall operate differently in forty-four different districts of the same country. . . . I introduced a bill to increase the pension of Andrew McKee. It proposes to place on the pension roll the name of Andrew Franklin, alias Andrew McKee, late a private in Captain M. Armstrong's company of Ohio militia, from August 22, 1812, to February 22, 1813, and from July 28th to August 18, 1813, in the war of 1812, and to pay him a pension of fifty dollars per month, in lieu of the pension he is now receiving."

Mr. Cockrell asked for the reading of the report. I said, in the debate on the report: "The case is a most remarkable one. At first, it impressed me to some extent as it has the senator from Missouri, but, upon inquiry, I find that this man is, from all the evidence, at least a hundred years old. The fact that he performed services in the war of 1812 is about as conclusively shown as any matter of that kind can be. He is poor and a man of unblemished character. His wife is also of a very great age, and they have no property. I thought the case was so remarkable that it was proper the amount should be increased to the amount named in the bill.

"It cannot be a precedent, because precedents of a man and his wife living to that great age together can be rarely found, and that this old soldier of the war of 1812 should have a moderate pension for the very few years that remain to him and his wife makes it, as it seems to me, something more than an act of charity. It rises to the very domain of patriotic justice." (The bill was passed, and the old man got his pension.)

. . . I took part in the Homestead debate, and delivered the following speech. It was on a proposition to inquire into that affair:

“UNITED STATES SENATE, *July 7, 1892.*

“Mr. Palmer. Mr. President, I did not understand the proposition of the senator from Maine until this moment. I now understand that the purpose of the reference is to supply means for the investigation of the circumstances of the affair at Homestead. I beg to say that the suggestion, therefore, is in the line of the purpose I have in view. But, before the subject passes from the attention of the senate, I beg to make a few observations.

“I am quite satisfied that merely to deplore this condition of things falls very short of what must be the duty of some department or departments of either the federal or state governments. We are confronted now with this labor problem in its most impressive form.

“This very large establishment of the Carnegie Company, which, I understand, has some \$25,000,000 capital behind it, or invested in its enterprise, employs some five thousand men, I believe, and upon these five thousand men there are dependent many thousand women and children who depend upon the proceeds of the labor of those men for support. I understand that the Carnegie Company have determined that there shall be changes in their methods; that there shall be a different rate of compensation paid hereafter for certain kinds of labor, and that the contracts shall end at another time of the year, and that they make those conditions peremptory and absolute—the reductions of wages and the difference in the termination of the period of the contracts. It is also true that they have, in the exercise of what they claim to be their clear right, attempted to bring a large military force to their establishment—a military force which has a known and recognized existence in this country. The army raised and commanded by the Pinkertons is as distinctly known in this country as is the regular army of the United States. It is not a new thing; I am astonished to find that it excites surprise now. For years that force has existed;

its number is not always the same. The commander-in-chief of this army, like the barons of the middle ages, has a force to be increased at pleasure for the service of those who will pay him or them, and they have been employed in many places in many states of the Union. They have been employed in New York, and have shed the blood of citizens of that state. They have been employed in Illinois, and have shed the blood of citizens of Illinois. At other points in the United States, they have been employed. This company claim not only the right to regulate their own business in their own way, but they claim the right to fortify their position and the right to introduce this armed force within their fortified lines. They claim a right to a free passage from their armed boats on the Monongahela river into their fortifications; and, hence, this struggle, this battle, because battles are not necessarily conflicts between armed men organized by proper authority, and there was a battle between the men who supposed they had a right and this armed force of mercenaries raised and organized by the owners of this establishment.

“Mr. President, in making this statement, I confess I have given no information to the senate. We know what the facts are. It is claimed on one hand that the citizens fired on the mercenaries, and it is claimed on the other hand that the mercenaries fired first upon the citizens. It is not very material, to my mind, who fired the first shot.

“These are men who were taken there for the purpose of battle, a contingent purpose, I confess, but for the purpose of shedding the blood of these people if they stood in their pathway.

“But even when that statement is made I have done but little towards reaching a solution of this question. What I desire from any committee of the senate will be not to tell us the story of this outrage, nor is it material whether the blame for the present condition is cast upon the Carnegie Company or not. It is simply because

they are representatives of new conditions of society. It might have happened at any one of a hundred places in the United States where large numbers of men are employed in the service of these enormous manufacturing establishments. It may happen anywhere. It may occur in Illinois, or in New York, or in Pennsylvania, or in Ohio. Anywhere it may happen, because in the nature of things these interests oppose each other up to the extent that I shall describe.

“I speak of the Carnegie Company merely because it happens for the time being to be an actor in these things. It is claimed for them, and by them, that they have an absolute right to the management of their own property; that they are not bound to listen to the suggestions or the wishes of any third person; that the men who have toiled with them for years have no voice whatever, have no interest in the establishment, have no right, and only speak by the permission of those who employ them. That is the broad statement of property rights in the Carnegie Company.

“The men, who resist, claim that they have some rights, because if it is true as a matter of law, and if it is to be regarded as true in a political sense, that these 4,500 men were simply trespassers there, then of course it must be very difficult to condemn the Carnegie Company, except as to the manner in which they assert their rights. It may be said that it was menacing and insulting that they should organize this force in contempt of public authority, because for a private citizen to attempt to enforce his own rights, however clear they may be, in disregard of the agents of the law, is a contempt of the law; and this attempt to maintain their rights by the aid of an organized force was a contempt of the State of Pennsylvania. The manner was menacing and insulting. To advance upon a peaceful, quiet city in the manner I have described was an insult to the people who were there.

“Mr. President, it is difficult for American citizens,

whether they are in the right or in the wrong, to submit to be driven by an armed force. I confess that every impulse of my mind tempts me to feel that I should dislike being driven, even though I might be in the wrong, by a person who might happen to be in the right.

“I will not discuss that question. Something more, however, must be claimed for these men. I maintain—and I ask the attention of the committee on education and labor, if that committee shall be instructed to inquire into this matter—that these citizens were right. I maintain, according to the law of the land—not as the law is generally understood, but according to the principles of the law which must hereafter be applied to the solution of these troubles—that those men had a right to be there. That makes it necessary for me to assert that these men had a right to employment there, they had earned the right to live there, and these large manufacturing establishments—and there is no other road out of this question—must hereafter be understood to be public establishments in the modified sense which I will explain in a moment, in which the public is deeply interested, and the owners of these properties must hereafter be regarded as holding their property subject to the correlative rights of those without whose services the property would be utterly valueless. That concession which I make only concedes to them a right to a reasonable profit on the capital invested in their enterprises. I maintain, furthermore, that these laborers, having been in that service, having been engaged there, having spent their lives in this peculiar line of service, have a right to insist upon the permanency of their employment, and they have a right, too, to insist upon a reasonable compensation for their services.

“We talk about the civil service law as applicable to government employment. I assert that there is a law wider and broader than that which gives to those men who have been bred in these special pursuits, as, for

example, in the service of railroads, or of those vast manufacturing establishments, a right to demand employment, a right which can only be defeated by misconduct on their part.

“I maintain, therefore, that at the time of the assault upon these people at Homestead, they were where they had a right to be ; they were upon ground they had a right to defend. Do you ask me if these men may by force take possession of the property of another? No. They were conducting themselves in the line of their rights as I understand them. Business was suspended and these men were simply awaiting the settlement of the disputed questions between themselves and their employers. Mark me. I maintain the right of owners of property to operate it at their will ; I maintain the right of operatives to assist in its operation ; I maintain the right of both parties to reasonable compensation for their services ; I maintain the right of those laborers to continuous employment, dependent not alone upon the will of their employers, but dependent upon the good conduct of the employes.

“Mr. President—this is the only road out of the difficulty. You may call out the militia of the State of Pennsylvania, and you may exterminate all the inhabitants of that beautiful and thrifty village, and what is done? Human life has again been sacrificed in one of those struggles for human rights. Do you establish the right of these large establishments to control their business? On the contrary, the laboring men of the country, so conscious of this right which I assert, the right to continue in employment during good behavior, will continue to resist, and this social war will be upon you and it becomes the duty of Christian statesmen, Republican statesmen, to find some road out of this difficulty. Within my lifetime I have seen marvelous changes. There was a time when individualism was the universal rule and men lived alone because they could support themselves ; but matters have changed. To-day

the world is practically divided between the employers and the employes. I do not take into account those neglected agricultural districts, those farm laborers for whom nobody seems to care, for in all the discussions of tariff policy we have had, nobody ever speaks of the toiler upon the farm. We speak of organized labor, and skilled labor, but when we come to talk about the white or the black men who toil upon the farm from the rising of the sun until the going down thereof, and speak of the influence of legislation upon these men, we do not regard them. If we pray for them, we pray for them very much the same as Brougham said the Queen was prayed for, for the desolate and the oppressed; if we legislate, they are not regarded. But this organized labor is power in the state. You must regard it; you must adjust their interests.

“How can you adjust it? You cannot do it by asserting, which I admit to be true, that every man has a right to the control of his own property in his own way; or, if a man does not like to go to work for the Carnegies, he may go to work for somebody else. You cannot settle it in that way. You cannot settle it by saying that Mr. Carnegie has a right to employ whomsoever he pleases. Those are old truisms which have no application in this changed condition, when organized capital furnishes us all that we have; it furnishes us our food; it furnishes all our clothing; it furnishes our physicians; I believe now it is furnishing our lawyers; and it is said that it has furnished us our legislators sometimes, although that is a slander which I am not disposed to indorse.

“That being the case, you have got to find some way out. You cannot admit the absolute right of capital; you cannot admit the absolute right of labor; you have got to adjust their rights upon some basis. What is it?

“That a manufacturing establishment is a public institution, as the railroads are held to be public, because they work for the public; public, because they employ the public; public, because men employed in their ser-

vice become unfit for other services, and public, because there are thousands dependent upon them for food and nurture.

“Thus we have recognized the right of the capitalist to control his property, and his right to a reasonable reward for his investment, and we claim for the laborer the right to permanent employment during good behavior, though he is certainly compelled to submit to the changes of business. Where the profits are small, the parties must divide the loss; where the profits are large, the profits must be divided.

“That is the exact condition; that is the law to-day, as I maintain, because the law is the perfection of reason, and we have seen the law built up step after step. I recollect, in 1869, I was compelled to hold that the legislature of Illinois had no right arbitrarily to fix the rates of carriage of passengers by railways, and was compelled to hold that the railway companies had no arbitrary right to fix them, but that it was a matter of reasonableness on both sides. It was then claimed by the railroad corporations that their rights were absolutely uncontrollable. The same principle must now be applied to the solution of these troubles. These parties are now confronted on the banks of the Monongahela river. Whether the battle is going on to-day or not I do not know, but we have heard the report that the lives of American citizens have been lost in the battle. It will go on. I invoke this committee; I invoke this senate, if it shall appoint the committee at all, to let the committee have such powers as will allow them to look into the very heart of this question. It is a reproach to our civilization that this senate and country—perhaps the senate has no control over it beyond investigation—stand here now witnessing these two armed forces in battle array, and we confess we have no power except to inquire. Why inquire? What is the use of asking the bloody story to be recited if there is nothing to be done? If this war is to go on forever, why med-

dle with it? Let it be solved as it may, you must find some principle by which this thing can be done.

“You cannot ask these laborers to become slaves, because if it is true, as claimed by some, that capitalists have a right to hold over the heads of their employes threats of dismissal at their pleasure, American freedom is gone, and the vote will be cast by the master who holds the bread of the slave. You must give to the voter, if you mean that he shall be independent, a fixity of employment, so that he may defy the employer, and say to him: ‘My tenure depends, not on my vote, but my tenure depends upon my good behavior, upon my fidelity, my honesty, my industry and not upon my vote.’ If some solution is not found in that direction, this army of employes will be controlled by the employers, and there will be established an aristocracy more terrible than exists in any free country, and this nobility of wealth will become our governors.

“But I may be asked: Shall these men lose their property? By no means. They shall hold their property subject to this public obligation, and in that alone we shall find the solution of this labor trouble. Capital and labor are confronting each other now. What is the condition? The employer attempts to control his property by force. Why is that so? Because American governments, federal and state, have neglected their duty. We have stood upon this volcano, and now we perceive the eruption, and it will occur constantly. These men are holding their position, as I maintain, rightfully, because they have a right to employment on reasonable terms. What, then, is the fault of the government? The government has as yet furnished no agency by which their controversies can be adjusted, and until that is done, this blood is upon the hands of every government, state and federal, until they have exhausted all the resources of reason and experience in finding some mode of avoiding these troubles. We may talk about the effect of these labor troubles politically. I find myself quoted, Mr. Presi-

dent, as having spoken of the influence of these troubles upon the presidential election. If I said anything on that subject to the reporter who interviewed me, I confess it was an utterance that ought not to have been made, for when we stand in the presence of these perils—for they are perils, and the firing on this boat may be the beginning of a civil conflict, we cannot tell—I say, to speak of their effect upon the near approaching election, is little short of a crime. I hope the committee on education and labor, if the resolution goes to that committee, will feel that when they furnish the senate with a history of this transaction they have performed a work of supererogation. They ought to furnish the senate with some principle or rule by which these controversies can be settled; because, if it is true that they cannot admit of settlement, if there is no rule of reason which can be applied to their solution, then they must be fought out. Either capital will be master, and the people slaves, or the people of the country will be involved in anarchy, and capital destroyed.

“It cannot be in this country that, with the reason, the patriotism, the Christianity and intelligence which characterize our people, we shall fail to find some solution of this trouble. I have indicated the only road out of the difficulty which has yet occurred to me.”

CHAPTER XXXI.

Correspondence with the secretary of the treasury—Defends the Democratic platform—Condemns the tariff—Opposes licensing dealers in options—Speech on the repeal of the purchasing clause of the “Sherman Act.”

On July 12, 1892, I asked “consent to lay before the senate for publication in the ‘Record’ a very brief correspondence with the secretary of the treasury and director of the mint in reference to silver. I ask that the correspondence be read and printed in the ‘Record.’ It is very brief.”

“UNITED STATES SENATE, WASHINGTON, D. C.

“*July 2, 1892.*

“*Sir*—I have the honor to request information upon the following points: 1. What number of the standard silver dollars of the coinage of the United States are according to the treasury estimates now in circulation? 2. What number of standard silver dollars of the United States are now in the treasury? 3. What number of troy ounces, or avordupois pounds of silver bullion purchased with silver or coin certificates are now in the treasury? 4. What length of time would it require with the present facilities of the mints of the United States to coin all the silver bullion in the treasury purchased with silver or coin certificates, into standard silver dollars? 5. What number of standard silver dollars at the present legal ratio would the silver bullion in the treasury purchased with silver or coin certificates, produce if coined?

“I am aware that information upon some of the points presented by the foregoing questions, is now in the possession of the public, but I desire an official statement

from the treasury department which will cover the points in the order above stated.

“Respectfully, JOHN M. PALMER.

“HON. CHAS. FOSTER, *Secretary of the Treasury.*”

“TREASURY DEPARTMENT, BUREAU OF THE MINT,

“WASHINGTON, D. C., *July 11, 1892.*

“HON. CHAS. FOSTER, *Secretary of the Treasury.*

“*Sir*—I have to reply to the inquiries contained in your letter of the 2d inst., as follows :

“1. The number of standard silver dollars in circulation, July 1, was \$56,779,484.

“2. The number of silver dollars in the United States treasury, July 1, was \$357,189,251.

“3. The amount of silver bullion purchased under act of July 14, 1890, in the treasury, July 1, was 78,933,000 troy ounces of fine silver, or 5,412,548 avordupois pounds.

“4. With the present facilities of the mint of the United States, it would require nearly two and one-half years to convert this bullion into silver dollars, doing no other coinage. The bullion now in the treasury purchased under the act of July 14, 1890, would coin one hundred and two millions fifty-five thousand standard silver dollars. Respectfully yours,

“E. O. LEACH, *Director of the Mint.*

“HON. JOHN M. PALMER, U. S. S.”

Which led to a debate in which I took no part. . . . After some badinage with the senator from Maine (Mr. Frye) in regard to the enforcement of the Maine liquor law, I said :

“Mr. President—I reply seriously to the senator from Maine. The laws of the State of Illinois prohibit the opening of the saloons on Sunday. It must be remembered that Chicago, like all large cities, is cosmopolitan. It has not been found possible to enforce the laws against the sale of liquor on Sunday. I do believe,

however, that in the state where we have local option, the laws forbidding the sale of liquors are as well enforced as they are in the State of Maine. I believe it to be true that they are enforced as well as they are in the State of Kansas or in the State of Iowa. In Chicago, I confess, the laws against the sale of liquors have not been enforced, and they will not be enforced, probably until the regeneration of human nature.

“If the Sunday laws could be enforced in Chicago against the sale of liquor there might be less said in support of my views. I believe that it would be advisable, that it would promote morality to open the exposition on Sunday, so as to allow persons to enter, to see and to enjoy all that is to be seen. There are gentlemen who talk about the American Sabbath. Mr. President, I reverence American institutions; I have no eagerness to adopt anything foreign, but I do believe that American sentiment has undergone a change under the influence of broader views of individual rights. New England sentiment at one time actually required a very close observance of Sunday, but that was the despotism not of God but of the church; and it is a remarkable fact that in another portion of the Union, where more liberal views were indulged, the morality of the people was as complete and as perfect as it was in New England.

“It is said by a late writer, ‘that it is very remarkable that in New England where theoretically popular rights are most regarded, the government was most despotic; while in another quarter, where aristocratic ideas were to some extent recognized, actual personal liberty was better protected than in New England.’ The change has taken place, and we cannot resist it. We may speak of the ‘American Sabbath,’ and it deserves reverence, but it is for me to revere the Sabbath, and it is not for me to impose upon another that obligation. There is the distinction I make, and hence the law of Illinois

is, I maintain, right in principle and right in its application, that 'whoever disturbs the peace and good order of society by labor (works of necessity and charity excepted) or by any amusement or diversion on Sunday shall be fined not exceeding twenty-five dollars. Whoever shall be guilty of any noise, rout or amusement on the first day of the week, called Sunday, whereby the peace of any private family may be disturbed, shall be fined not exceeding twenty-five dollars.'

"That I maintain to be the just limit of the power of the state to enforce Sunday laws. . . . I took part in the debates upon the power of the courts of law to enforce specific payments in gold and denied their right to do so. . . . I said in the debate upon the Homestead question :

"Mr. President, the world has been governed very much by the jingle of words, and no word has jingled more frequently and more fallaciously than the word 'protection,' that is so often vaunted in Republican platforms and Republican publications. How is it now? We are told that the tariff on wool was demanded by the Ohio wool growers, by what has been so aptly termed the 'ram growers of Ohio that they demanded protection.' According to reports it has not benefitted them ; but in Illinois and Iowa, where a different kind of wool is produced, it has declined steadily since the passage of the McKinley act.

"In 1890, I speak now of matters within my personal knowledge, having some connection with the peculiar wool growing interests of Illinois, wool was sold, such as we produced, at twenty-six cents in the fleece.

"In 1891 the same crop was sold at twenty-four cents. In 1892 the same clip from the same sheep, with such additions as have been added by mere growth, sold at twenty-one cents a pound. Now, the promise was that wool in common with other wool would advance as the result of the McKinley tariff. We were promised an advance on our farm products ; wheat we were told

would advance. The domestic markets we were told would advance. The condition of prices in the west is an answer to that promise. It has not been fulfilled. . . . I know of one farm product upon which there was a very large duty. I do not know that I ever felt more humiliated than in 1888, in witnessing the practical operation of the duty on potatoes. I was in the town of Sycamore, in the northern part of the State of Illinois, one of the most intelligent communities in the state. I stopped with a friend (Mr. Boynton) whose views were very pronounced. He said, 'Come here, let me show you something.' I saw an Irish laborer traveling from store to store, and the potatoes he bought had upon them a duty of twenty-five cents a bushel. My friend said, 'What a tariff this is that never operates except in time of famine!'

" . . . On July 27, 1892, I opposed a bill for licensing dealers in options, and said, among other things, 'I put the question to the senator from Minnesota or Oregon, can congress define and punish gambling in the states? Does not this bill define that which is gambling, and does it not seek to suppress and punish it? Can congress then acquire jurisdiction by selecting a constitutional mode of doing an unconstitutional thing? It is a possible conception to a lawyer that by the mere choice of the manner of doing it congress may acquire the power of doing that which it could not do directly. . . . In Illinois we have a statute which is rigid enough, and if it were enforced would suppress this evil within the limits of that state.'

"Mr. President, I have no embarrassment in regard to my position on this measure. During my canvass for senator in Illinois, I was asked publicly by a body which claimed to represent the farmers of Illinois, whether I would vote for a bill like this, and by a public letter, or a letter which was published, and by speeches the various parts of the state, I said, 'No.' The option clause of the first section of the bill is much less satisfactory

and comprehensive to my mind than the statute of Illinois on the same subject. We have in that state a well-considered statute which covers all and much more than the first section of this bill.

“The statute of Illinois does not attempt to define options, but it is assumed in the statute that the word ‘options’ is one that has a known legal signification, and dealing in ‘options’ is prohibited, and is punished, in addition, by adequate fines and penalties. I, therefore, said to those who asked me, that, there being a law in the state, a careful, well-considered statute, nothing more could be gained by legislation.

“It was said to me by gentlemen who differed with me, that the ‘law of Illinois was not thoroughly enforced.’ I admitted that to be true, and I said, and say here, that ‘it is not wise to enact laws simply to be disregarded.’ I apprehend that this proposed law would, like that, be disregarded if it were free from any constitutional objection.

“I regret, Mr. President, this disposition on the part of the people, for it was with them, and a disposition which I find echoed by their representatives in the states and in congress to multiply criminal or penal statutes. It may be said, and it seems contradictory, too, to say it, that the enactment of a law which public opinion will not sustain and enforce is of itself demoralizing. The example of the disregard of law is of itself an evil. Legislation, in my judgment, to be wise, must be but the mere expression of the public will, and supported by the public conscience. If we are to believe the reports we have through the press, option dealing in most of the large cities is regarded as absolutely free from offense. I regret that it is so, but it is the case; and, while that state of public sentiment exists, it seems to me unwise to multiply mere formal declarations, and frequently laws of that sort are passed in the state and in congress from a mere suspicion that they are demanded by the people, when really they are not.

“ . . . I will read the first section : ‘That, for the purposes of this act, the word “options” shall be understood to mean any contract or agreement whereby any party thereto, or any party for whom or in whose behalf any such contract or agreement is made, acquires the right or privilege, but is not thereby obligated to deliver to another or others, at a future time, or within a designated period, any of the articles mentioned in section 3 of this act.’ As I suppose, contracts precisely such as are defined in this section are unknown in commerce, are valueless ; it would do no harm and no good. The ‘options’ of the books and the laws are contracts for the sale and delivery of articles at a future time, with an express or implied agreement that the articles are not to be delivered according to the contract, but that the difference between values at two periods, the time of the sale and the time of the supposed delivery, are to be adjusted by the parties. Those are the options of the textbooks.

“ . . . No Democratic convention would hold that congress might take jurisdiction of the whole police power of the state by professing to license that which it is intended to prohibit. We would never consent that congress would adopt Parisian legislation by requiring a license which might prohibit them. We should never expect a Democratic senate to favor a system of licenses directed to all the crimes and prohibit them by excessive taxes.”

I took further part in the debate upon the bill licensing options, which is omitted.

I discussed a measure that contemplated a national quarantine. . . . I opposed a bill for the relief of Wm. McGarraghan. The bill proposed to refer this claim again to the courts. I remarked : I came into the senate without any opinions in regard to this claim. It is obvious that the bill legalizes evidence that will insure an award against the United States. I think I can see that the bill formulates a state of facts which will make

it the duty of the court to allow the claim of McGarrahan. I observe that the bill carefully removes out of the way a large number of judicial decisions or findings if they stand in the way of the claim, so that the bill first removes out of the way every legal obstruction to his claim, and formulates evidence which will insure an award in his favor.

The section that provides that "the United States shall also indemnify him for any mineral or valuable substance whatever, extracted from said lands by any person or corporation other than the said William McGarrahan, and if said court shall find that said William McGarrahan is, or was, entitled in law or equity to the minerals or valuable substances in or under said lands, it is made the duty of the court to ascertain the value, and the United States is required to pay." I argued further that no one had undertaken to say what responsibility would be imposed upon the United States. . . . I advocated the use of "couplers" on cars. . . . I advocated the issue of bonds to raise money to maintain the reserve.

On August 7, 1893, the president convened a special session of congress to consider the repeal of the "purchasing clause of the Sherman act." On August 22d, I delivered the following speech:

"Mr. President, it has been said on this floor that every Democratic senator present at the time, voted against the passage of the act of July 14, 1890. The Chicago convention, in terse and vigorous language, denounced the measure and demanded its repeal, and the presidential candidate nominated by that convention and elected by the people of the United States, concluded his last message to congress, saying: 'I seriously recommend the prompt repeal of the act passed July 14, 1890, authorizing the purchase of silver bullion, and that other legislative action may put beyond all doubt or mistake, the intention and the ability of the government to fulfill all

its pecuniary obligations in money universally recognized by all civilized countries.'

"Thus it will be seen the act of July 14, 1890, was opposed by all the Democratic senators when it was passed, was denounced by the national Democratic convention in 1892, and the president, acting in the strictest accordance with the declaration of the convention, impressed with the measureless evils inflicted upon the country by the measure, has convened the congress in which the Democratic party has complete ascendancy, and urges upon that body the 'prompt repeal of the provisions of the act of July 14, 1890, authorizing the purchase of silver bullion.'

"This manifest concurrence of Democratic opinion would seem to justify the expectation of the country that the so-called 'Sherman act,' or at least its objectionable parts, would be repealed at once after the meeting of congress, and the business of the country relieved from evils so forcibly depicted by the president.

"The expectation of the early repeal of the provisions of the act that authorizes the purchase of silver bullion, was before the meeting of congress, so firmly fixed in the public mind that the people of the country, who are suffering the evils brought upon them by this vicious legislation, expected that congress would act at the earliest moment for their relief. They expected that a Democratic congress would promptly respond, in the spirit of the Democratic platform, to the urgent recommendation of a Democratic president, and repeal the law so destructive to the public interests, and so generally and justly condemned by the public opinion. I admit that it was feared by many and predicted by a few, that Republican members of congress, and especially Republican senators, would in some way labor to embarrass Democrats in their efforts to repeal a measure, passed by a Republican congress, and approved by a Republican president, and it was reported that certain senators who are considered by the country pre-eminently the cham-

pions of the silver interests, had 'given out in speeches' that they would resort to all the parliamentary methods allowed by the peculiar rules of this body, to delay final action upon the question of repeal.

"But it is gratifying to find that the conduct of some leading Republican senators warrant the belief that the fears of the many, and the predictions of the few, were unfounded.

"The junior senator from Massachusetts, fresh from the other branch of congress, where he had distinguished himself as a party leader, at an early day in this session, proposed the absolute repeal of that part of the act of July 14, 1890, which provides for the purchase of silver bullion. The senior senator from the same state, without defending the act, only justifies its passage as necessary to the defeat of another measure, which he regarded as far more objectionable.

"And the distinguished senator from Ohio, whose name is connected with the act, explains his vote in its favor upon the same grounds, and both these eminent leaders avow their readiness to vote for the repeal, and there are reasons for believing that a majority of the Republican senators are ready to co-operate with them to the same end.

"And the senators from the so-called silver states have shown no disposition to hinder or obstruct an early consideration of the recommendation of the president.

"Mr. President, like the distinguished senator from Missouri, to whose eloquent speech we listened a few days ago with so much pleasure, I supported the president, and urged others to do so, upon the distinct ground that in his letter accepting the nomination offered him by the Democratic convention he avowed his devotion to Democratic principles as defined by the party platform; and I maintain, in opposition to the criticism of the senator from Missouri, that the recommendations contained in the late message of the president, are not only in accordance with the Chicago platform, but prac-

tically cover the whole financial policy outlined in the Chicago resolutions.

“To make this point clear, I quote from the platform : ‘We hold to the use of both gold and silver as the standard of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement, or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets, and in the payment of debt, and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and fluctuating currency.’ And for the same purpose, and to make the comparison easy, I again quote the recommendation of the message : ‘I seriously recommend the prompt repeal of the act passed July 14, 1890, authorizing the purchase of silver bullion, and that other legislative action may put beyond all doubt or mistake the intention and the ability of the government to fulfill all of its pecuniary obligations in money universally recognized by all civilized countries.’

“Nothing can be more emphatic or clear, as will appear by the platform, than its denunciation of the Republican legislation, known as the ‘Sherman Act of 1890,’ and the demand for its repeal is equally emphatic. It was denounced as so fraught with possibilities of danger that all its supporters, as well as its author, should be anxious for its repeal. The platform further asserts, speaking for the whole Democratic party : ‘We hold to the use of both gold and silver, as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal, or charge for mintage,’ and the president, without reiterat-

ing the language of the platform, affirms, in substance, that the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, and in effect recommends to congress such legislation as shall 'insure the maintenance of the parity of the two metals, and the equal power of every dollar at all times in the markets and in the payment of debts, and that all paper currency shall be kept at par with and redeemable in such coin.' And the president, without specific suggestion as to the methods, after recommending the prompt repeal of the act passed July 14, 1890, urges 'other legislative action (and he means undoubtedly in the line of the platform) that may put beyond all doubt or mistake the intention and the ability of the government to fulfill all its pecuniary obligations in the money universally recognized by all civilized countries.' It certainly requires no argument to prove that all civilized countries recognize the American dollar unit, of both gold and silver, when of equal intrinsic and exchangeable value, and of equal power at all times in the markets, and in the payment of debts, and all civilized countries recognize a paper currency at all times kept at par with and redeemable in such coin.

"As the convention specifically denounced the act of July 14, 1890, as fraught with future danger, the president might well specifically urge its prompt repeal, now that the anticipated danger of evil results are realized. And the country may reasonably expect that a Democratic congress will promptly respond to the executive recommendation. Nor can it be a just complaint by the supporters of the Chicago platform who are not committed to the proposition that the dollar unit of coinage of both gold and silver, must be of equal intrinsic and exchangeable value, and of equal power at all times in the markets, and in the payment of debts, that the president submits it to the wisdom of congress to devise and adopt legislation that will put beyond all doubt or mistake the intention and the ability of the government

to fulfill all its pecuniary obligations in money universally recognized by all civilized countries.'

"But the senator from Missouri says: 'We are told that the repeal of the so-called "Sherman act," or the purchasing clause, is all that is necessary at the present conjuncture, and that the clouds will be immediately lifted from the business and financial horizon, and the sun of prosperity again beam upon every portion of our land.' It may be that there are some who believe that the repeal of the purchasing clause of the so-called Sherman act is all that is necessary at the present conjecture, but it is obvious from the language of the message that the president is not one 'of those who so believe;' that he regards the repeal of the purchasing clause as essentially necessary to the return of prosperity is manifest, not only from his specific recommendation that it be promptly repealed, but from the overwhelming proofs he furnishes that the dangers with which it was fraught are now realized, and though the president makes no specific reference to the coinage of silver, it cannot fairly be urged by anything said by him in the message that he does not now, as he did in his letter accepting the nomination made at Chicago, hold to the use of gold and silver as the standard money of the country, and the coinage of both gold and silver without discriminating against either metal, nor does it follow because he fails to say one word in regard to bimetallism he would disapprove of legislation which would provide that the unit of coinage of both metals should be of equal intrinsic value at all times, in the markets, and in the payment of debts, and I will add the expression of the opinion that the great majority of the American people would not only approve, but would rapturously applaud legislation which would establish and maintain the bimetallism of the Chicago resolutions. I do not now pause to inquire whether bimetallism as defined by the platform is attainable by either of the methods suggested in that paper, 'an international agreement, or the safeguards of legislation,' or

by a combination of both, but I am sure that no loyal adherent to the Chicago platform will consent to the coinage of either gold or silver, unless the dollar unit of coinage of both metals be of equal intrinsic and exchangeable value, and with the equal power of every dollar at all times in the markets, and in the payment of debts, for it is declared by the platform 'that this policy is especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and fluctuating currency.'

"Mr. President—The senator from Missouri no doubt favors bimetallism and free coinage as defined in the Chicago platform, and I think I may venture to say that he holds to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal, insisting, however, that the dollar unit of coinage of both metals shall be of equal intrinsic and exchangeable value, with the equal power of every dollar at all times in the markets and in the payment of debts. If I am correct in this statement of the views of the senator from Missouri, I most cordially concur with him, and am ready to follow his lead in promoting legislation which will secure that result to the country.

"Mr. President—The purchasing clause of the Sherman law does not aid the free coinage of silver. I make this statement upon the authority of the distinguished senator from Missouri, and if anything more was needed to establish the truth of that assertion, it will be developed by the origin, object and history of the law, and by reference to the facts which illustrate its influence upon the financial situation of the country.

"The act of July 14, 1890, originated in the councils of the Republican party. Its object and purpose was to defeat the free coinage of silver upon the then existing ratio. The object and purpose is avowed by the senator from Ohio, its putative author, and whose name it bears, and his avowal is confirmed by the distinguished sen-

ator from Massachusetts, whose means of knowledge are equal to those possessed by the senator from Ohio himself. But there can be no doubt but that measure was favored by senators from the silver-producing states, for the reason that it provided for the monthly coinage of two millions of ounces of silver dollars until July 1, 1891, and made perpetual provision for the monthly purchase of four and a half millions of ounces of silver bullion. They abandoned the free coinage of silver, which seems to have been within their reach, for the sake of a market for a large proportion of the silver product of the United States for the preceding year. Whatever may have been the object of the authors of the act, or the combination of interests that secured its passage, it is the belief of its authors that its passage defeated the measure of free coinage which was then impending, and I believe that its effect has been to render the coinage of silver upon the bimetallic plan of the Chicago platform exceeding difficult, if not impossible. Bimetallic coinage is not possible while the purchasing clause of the act of July 14, 1890, remains in force, and is executed by the secretary of the treasury.

“The only power possessed by congress with respect to the purchase of gold or silver, or other metals, results from the grant of power to ‘coin money, regulate the value thereof, and of foreign coins.’

“In the exercise of this power, congress may provide for the purchase of any of the metals used for coinage purposes, in whatever form they may be found. Millions of avoirdupois pounds of silver bullion, which we cannot coin upon a ratio yet ascertained, or established, and which, from its volume, is a menace to the silver market, and is so worthless as a fund for the redemption of the treasury notes issued for its purchase, that though they are nominally payable in gold or silver coin at the discretion of the secretary of the treasury, and made by law a legal tender for all debts, public and private, except when otherwise expressly stipulated in the contract,

and are receivable for customs, taxes and all public dues, and when held by any national banking association, may be counted as a part of its lawful reserve, their parity has only been maintained by the established fixed belief in the public mind that no secretary of the treasury would dare exercise his discretion to redeem them in silver coin.

“And yet, senators who voted against the act of 1890, and were then fully impressed with the dangers of the business interest of the country, with which it was fraught, and who adhere to the Chicago platform, now refuse to vote for its unconditional repeal. The reasons given by senators for the refusal to vote for the repeal, are quite as surprising as the refusal itself.

“The senator from Missouri, in the speech from which I have already quoted, and the senator from Arkansas, who uses nearly the same language, in speaking of the act in question, said: ‘I am willing to repeal it, but I am not willing to give up the whole silver question with the repeal,’ and after an interruption, he added: ‘I meant to say that until there is some assurance that we are not to go to a gold standard, and we are not giving up the last muniment of silver, and leave it without any legislation, we do not propose to take a step which leads to monometallism.’

“Mr. President, how can the repeal of the act amount to giving up the whole silver question? To whom does the senator look for an assurance that we are not to go to the gold standard, and who has authority to give to the senator such an assurance, and in what sense can the Sherman act be called the ‘last muniment of silver?’ And if a muniment of silver, what is its value, and as it deals with silver (which until its passage was a money metal) as a mere commodity, how can its repeal be a step which leads to or is in the direction of monometallism?

“The passage of the act of July 14, 1890, gave up the whole silver question, as it expressly provided that the

coinage of standard silver dollars should cease on July 1, 1891, and that silver bullion should be bought in the open markets without making any specific provision for its coinage. Under its operation, the price of silver advanced to the average ratio of gold of 19.76 in 1890, but it was so ineffectual that in 1893 the ratio of gold increased to the disadvantage of silver to 28.52.

“Mr. President—The country is now at the gold standard; there is no use in attempting to disguise the fact. Silver, the only rival of gold as a money metal, is made by the act before us, and is regarded in the world of commerce and trade as a mere commodity to be priced in gold. Silver coin now performs but a mere subsidiary office, and can never reach a higher plane of usefulness until the dollar unit of silver be made of equal and intrinsic and exchangeable value to the dollar of gold, and be impressed with equal power in the markets and in the payment of debts.

“In order to this end, the act of July 14, 1890, which at once operates to increase the glut of silver in the already overcharged treasury, and disturbs the silver market by subjecting it to unnatural conditions, must be repealed.

“Mr. President—I do not despair of bimetallism as defined in the Chicago platform, but I do believe that, in the present state of the silver market, it is beyond the power of any finite mind to fix a ratio of silver to gold that will produce that result. The market value of silver bullion is in a state of chronic fluctuation; it is affected by constantly disturbing conditions, of which the continued operation of the act of July 14, 1890, is one of the most potent. The country is committed to the present ratio, not only by law, but by the fact that there is a stock of silver coin in the United States estimated, on January 1, 1893, at \$492,903,266, all of which would be practically converted into bullion by an alteration of the ratio, for it would be necessary to recoin silver coin in

the treasury, and to redeem that in the possession of the people. I repeat, that it is impossible now, by any agency that has been suggested, to find and fix upon a ratio which will afford or produce the essential conditions of bimetallism, which is, that the dollar unit of coinage of both metals possess equal intrinsic and exchangeable value, and the dollar of both metals to possess equal power at all times in the markets and in the payment of debts. The coinage of silver upon any other ratio than one which would certainly produce bimetallism would be but to introduce a new element of uncertainty and confusion which would not only continue, but aggravate, the condition of financial distress which has not only ruined the silver-producing states, but threatens all the industries of the country.

“Mr. President—The country is now upon a gold basis, and the values of all property and of all commodities, including as well silver as all the products of the farm and of the factories, are now fixed and regulated by gold.

“Mr. President—Ours is a country of marvelous resources; it is increasing in population and wealth and power with a rapidity unexampled in the history of nations, and at present, in my opinion, there are but two lines of policy which can offer the least possible hope for escape from our present situation of embarrassment and distress. One of these lines of policy is to repeal the purchasing clause of the Sherman act, and then, by ‘legislative action,’ put beyond all doubt or mistake the intention of the government to fulfill all its pecuniary obligations in money universally recognized by all civilized countries. This course will be consonant with the character of the great, manly American people. We are not, as might be inferred from some of the speeches made upon this floor, timid mendicants, trembling in the presence of the financial power of England; we are, or will be when we recover our natural courage, the

rivals, not only of the little island so often mentioned, but of Great Britain, which includes so large a portion of the globe.

“Mr. President—With commerce unshackled by useless restrictions, and a mercantile marine which an unshackled commerce will create, the United States will meet our English rivals in every port, and will demand and obtain our fair share of the money recognized by all civilized nations.

“I once saw my country torn by contending armies ; one portion of it desolated by war, and its industrial system overthrown ; the other, which represented the existing government, often defeated and on the very verge of bankruptcy, but never yielding to despair. When it was threatened by the England who is now so much dreaded, with armed intervention and possible dismemberment, still I never faltered in my hope of restored unity, in increased national strength and of national prosperity unequalled in our previous national life.

“I do not *now* doubt the firmness and courage of my countrymen. They will not consent to take refuge from the financial power of England by the adoption of a mere timid inter-territorial system of coinage, established and enforced by a ruthless law which disregards intrinsic values, and isolates them from the world and its commerce, which they hope at no distant day to dominate and control—and will deprive them of the lead in enlightened civilization, which they may now fairly claim to hold.

“The American people will not now adopt the cast-off systems of India and of the least civilized peoples of the world—no middle ground is possible. The gold standard is upon us ; bimetallism, as defined by the Chicago platform, is possible—after all obstructions to its adoption are removed—but we cannot now enter upon the doubtful experiment of new ratios. We can relieve the business of the country by resolutely repeal-

ing the Sherman act, and in that way withdraw the treasury from the silver market. We should adhere to the present ratio, and by laws judiciously framed encourage the use of silver coin, and then calmly watch the influence of events upon the relative values of the two metals, ready to take advantage of circumstances, with the hope that by the use of effective means the country will at no distant day reach the point when both gold and silver can be coined and used without discrimination between them, and the dollar unit of both metals be of equal intrinsic and exchangeable value at all times, possessing equal power in the markets and in payment of debts."

In the course of the running debate, I said to Mr. Teller, "At all events the mining states have a customer, a certain customer for four and a half millions of ounces of silver every month, and that they should be unwilling to give that customer up I can understand. The government purchases, I suppose, more than three-fourths of the product of the United States. I heard the very eloquent remarks of the senator from Montana (Mr. Power), I heard him speak of the desolation the refusal on the part of the government to buy silver produced in the silver states. The picture is an exceedingly sorrowful one. No man feels it more keenly than I, but why should the United States continue to buy a product for which it has no use? . . . The senator does not know that the farmers of Illinois and Indiana under circumstances of great difficulty went into those states, and bought the lands, and spent years of hard work preparing their lands for culture, and their wheat this year is worth as much less than the cost of production as is the silver of Idaho and Montana. Here are these commodities, silver, wheat and cotton, and each fluctuates according to the laws that govern commerce. Neither is a measure of value of the other.

"Wheat and cotton during all this time did not make

the price of silver, and silver was not referred to to ascertain the price of those products. How can they influence each other as neither is resorted to as a means of determining the value of the other, is to me incomprehensible. . . .”

CHAPTER XXXII.

Argument against alteration of the constitution by construction—Object to the seating of Mantle, Beckwith and Allen.

“Mr. President—The most impressive part of Washington’s farewell address, read so perfectly from your place on the twenty-second day of February, was the warning of Washington against the danger of attempting to alter the constitution by construction. He reminded his countrymen that the constitution could be amended, and thus altered, but he warned them against constructive alterations. Nothing impressed me more than those solemn words of the father of his country. I am impressed with that, in view of what has been said by the senator from New Hampshire (Mr. Chandler).

“As I understand the senator he admits that for many years after the formation of the constitution the construction for which I contend was the received construction. But the senator has discovered that the constitution may be changed by construction. The fathers adopted what he calls a narrow and illiberal construction of that instrument. He, their wiser son, has found another method, better than that.

“The senator’s discovery reminds me of what I once heard of a Calvinistic preacher, who said, ‘My brethren, there is a man going up and down through the country teaching that all men will be saved. Thank God! We teach better things.’ That is an illustration of the methods of the senator. This illiberality characterized the authors of the constitution and their contemporaries, but this liberality distinguishes the senator from New Hampshire and those who think with him. I prefer for myself to be treated as illiberal with those who won the independence of his country, and who framed the admirable system of government under which the

United States has extended from sea to sea and from the lakes to the gulf, rather than the new light vouchsafed us by the distinguished senator from New Hampshire. The senator again refers to the fact that the senator from Oregon (Mr. Mitchell) and myself desire to alter the constitution in order to give the election of senators to the people.

“Mr. President, I do. I desire to alter the constitution by formal provision; to change it deliberately and solemnly, because I believe an election of senators by the people would be altogether preferable to either of the modes favored by the senator. But I seek to do it by formal, constitutional means; I seek to call the attention of the country to the great importance of this change. I have sought the aid of congress to initiate the reform which I favored, and I have supposed, and still suppose, the time will soon come when the dangers of these new lights in political philosophy will compel some such thing to be done, not only in that particular respect, but possibly in some others.

“No inconsistency can be predicated or charged against us, because while the constitution exists as it is, we favor adhering to it rigidly. It will be found that the most dangerous class of politicians are those who believe and teach that the framework of the government, the constitution, is to be modified, not by formal action in some of the methods prescribed by the constitution, but it is to be altered by new constructions to meet changed conditions, real or imaginary, I ask the senate to stand by the constitution as it is. I have no right to be liberal in construing the instrument which I have sworn to support. I have sworn to support the constitution as it is. Neither my judgment nor my conscience will allow me to follow the senator from New Hampshire in the new path which he has marked out for the senate to pursue.

“I am exceedingly anxious to confine what I have to say to the very question before the senate. It is an im-

portant question. The senator from New Hampshire indicates a purpose to give to this instrument a new construction. I have said already that he admits that the construction of the constitution first recognized, and afterwards adhered to by those who were very near the time of its adoption, was that which I maintain to-day. I desire very much that the construction of the fathers shall be maintained until the people in some of the modes prescribed by the constitution shall alter it. We shall then understand what the alterations are and we shall obey them, because it will be our duty to do so.

“In pursuance of that disposition to be accurate, I shall endeavor to state in a correct and accurate form the real question before the senate.

“Mr. President, the question presented by the resolution reported by a majority of the committee on privileges and elections is one of very great importance, as it involves a construction of those provisions of the constitution which relate to the organization of this body.

“The report of the committee asserts that under the facts to be hereafter stated, the governors of the states of Montana, Wyoming and Washington had the constitutional power to appoint senators to represent those states in this body.

“The facts in the case of Mr. Lee Mantle, which is the case immediately before the senate, and of Mr. Beckwith, both of whom are asserted by the committee to have a right to seats in this body, are identical.

“The legislatures of the States of Montana and Wyoming convened in January, 1893, in pursuance of the constitutions of those states. The members of the legislatures of both states balloted for senators, as required by the act of congress of July 25, 1866, and on March 3, 1893, adjourned without having made a choice. The terms of Mr. Sanders, the late senator from Montana, and of Mr. Warren, late senator from Wyoming, expired on March 3, 1893, so that it may be said with perfect accuracy that the sessions of the legislatures of those

states and the terms of Senators Sanders and Warren expired at the same moment.

“The case of Mr. Allen, who claims the right to be seated as a senator from the State of Washington, differs from the cases of Mr. Mantle and Mr. Beckwith in this respect only, that the term of Mr. Allen, who was the late senator from Washington, expired on March 3, 1893, and the legislature of that state, which was in session some time before March 3, and had balloted for a senator to fill the term which commenced on March 4, 1893, continued to ballot in actual session until March 9th, when it adjourned without having made a choice. The legislatures of each of the states of Montana and Wyoming were in actual session for one or more months before the expiration of the terms of Mr. Sanders and Mr. Warren. And the legislature of Washington was in session for a month or more before, and for several days after, the expiration of the term of Mr. Allen. It was the duty of the legislatures of those states to elect senators for the term commencing on March 4, 1893. It was in their power to do so, and yet they have failed to make such elections. After the adjournment of the legislatures of those states, the governor of the State of Montana appointed Mr. Mantle; the governor of Wyoming appointed Mr. Beckwith, and the governor of Washington appointed Mr. Allen, to be senators.

“The majority of the committee treat the cases of the claimants from Montana, Wyoming and Washington as alike in principle, and assert the right of all to be seated. The rights of these gentlemen to seats depend upon the authority of the governors of their respective states to appoint them senators! And the authority of the governors to appoint them, if it exists at all, is derived alone from the constitution.

“The provisions of the constitution, which relate to the organization and to the election of members of the senate, are so brief that they may be conveniently quoted. Section 3 of article 1 provides that ‘the senate

of the United States shall be composed of two senators from each state, chosen by the legislature thereof for six years, and each senator shall have one vote. Immediately after they shall be assembled in consequence of the first election they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year, and if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.' The material relevant portions of the constitution may be condensed into this form: 'The senate of the United States shall be composed of two senators from each state, chosen by the legislatures thereof for six years, . . . and if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.'

"The constitution determines that senators shall be chosen by the legislatures of the states for a term of six years. The power of electing senators is conferred upon the legislature, and to meet the possibility that vacancies might happen from resignation or like causes, the power is conferred upon the governor to fill vacancies thus occurring.

"It is not easy to mistake the general purpose of the framers of the constitution. It was contemplated by the framers of the constitution that vacancies might occur from any of the causes that could be anticipated, and it was also understood that the legislatures of the states would not be in continual session, and there was a necessity for providing for the filling of vacancies. Upon

observing the constitution closely and carefully it will be found that the original proposition, which came from a committee of that body, was that the governors of the states should fill vacancies absolutely, without limitation. It was by subsequent amendment determined to limit the power of the governors of states to make appointment of senators to be exercised on particular specified contingencies; that is, the governors should have power to fill vacancies caused by resignation or from any similar cause which might happen at a time when the legislature was not in session. A careful provision was made, however, that the appointment should continue until the meeting of the legislature.

“So, the power of the governor to appoint was considered as purely exceptional, not as original. It was not supposed in the original scheme that the power was conferred upon the governor to appoint a senator originally. The theory was, that the vacancy must be accidental. The death or resignation are given as some of the illustrations of the cases in which the power of the governor could be employed. The whole theory of the constitution was, and is, that the power of election was with the legislature, and the contingent power of filling vacancies was vested in the governor, a power to be vested only upon the happening of certain contingencies, and a power which exhausted itself when the true electoral body met in actual session.

“The constitution determines that senators shall be chosen by the legislatures of the states for a term of six years. The power of electing senators is conferred upon the legislatures in the most absolute and exclusive terms, but it was foreseen by the authors of the constitution that vacancies might occur or happen during the recess of the legislature of a state at a time when the legislature, not being in session, would be incapable of filling the vacancy. To meet the contingency the executive of a state was empowered to make temporary appointments until the next meeting of the legislature,

which is required by the terms of the constitution to then fill such vacancies. The committee on privileges and elections agree that under the constitution the power and the duty of the legislatures of the states is primary, and that of the governors of the states to make temporary appointments to fill vacancies in the senate is contingent.

“The majority of the committee contend that the co-existence of but two facts is essential to the existence of the power of the governor to make such temporary appointments. The first of these facts is, that there shall exist a vacancy in the representation of any state in the senate; and, secondly, that at a time when such a vacancy exists the legislature of such state is not in session. At any time upon a concurrence of these two circumstances the power of a governor to appoint a senator is complete. While the contention of the minority is that in order to the existence of the power of a governor of a state to make temporary appointments of senators, the vacancy to be filled must happen by the resignation of a senator or otherwise during the recess of the legislature of such state, and that the power in question cannot exist in the governor of a state to fill a vacancy occasioned by the expiration of a constitutional term. The majority of the committee profess to have discovered that the leading object of this provision of the constitution is to keep the senate at all times full. It is asked in the report: ‘What is the great and leading purpose which the provision now under consideration was designed to accomplish? It is that the senate of the United States be full, always full; each state was to be represented there by two senators.’

“In order to secure this ‘great and leading purpose’ the committee inferentially assert this purpose is to be appealed to supply all omissions, to reconcile all inconsistencies, to give a meaning to all ambiguities, and even in clear cases to compel a construction opposed

sometimes to a clear meaning of particular words and phrases.

“The committee, in quoting this extreme rule, sometimes applicable to the construction of contrasts between parties, seem to have forgotten the injunction of Judge Marshall, which they quote, ‘Never forget that it is a constitution we are construing,’ and seem furthermore to have disregarded the maxim that ‘the best rule by which to arrive at the meaning and intention of a law is to abide by the words which the lawmaker has used,’ and that other rule that ‘words in a statute and a portion of a constitution are never to be construed as unmeaning and surplusage if a construction can legitimately be found which will give force to preserve all the words in the act.’

“The end interpretation aims at is to find out the intent of the statute or constitution, as the case may be ; to clear up the meaning of the words if they are obscure ; to ascertain their sense if they are ambiguous, and to determine their design where the words express it imperfectly. It is not permitted to interpret what has no need of interpretation. When an instrument is conceived in clear and precise terms, when the sense is manifest, and leads to nothing absurd, there can be no reason to refuse the sense which the words naturally present ; to go elsewhere in search of conjectures in order to restrain or extend the words of an instrument is to elude it.

“The meaning of the provisions of the constitution under consideration can be determined without resorting to the violent means of interpretation quoted with approbation by the committee. The constitution as a complete instrument was the production of deputies representing sovereign, but united states. Its purpose was to provide a common government for the United States. In execution of that purpose it created a senate to consist of two senators from each state, to be elected by the legislatures of the states for a term of six years, and in con-

templation of possible vacancies provided: 'And if vacancies happen during the recess of the legislature of any state the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.' In the early days of the Union the words quoted were not supposed to be ambiguous in their meaning.

"The case of Kensey Johns, which was before the senate, in 1794, and of James Lanman, in 1825, were decided without apparent difficulty, and now the words in question may be readily interpreted by the employment and application of well-established rules of construction. The admitted object of the language is to provide a means for filling vacancies which may happen to exist in the representation of any state in the senate. To satisfy the terms of the constitution upon the power of the governor to appoint a senator to fill a vacancy, it is necessary first that a vacancy shall happen. It is admitted that the word 'happen' has a very wide signification. It is clear, however, that while other words may sometimes be employed instead of the word 'happen,' and examples will occur to every senator, the word 'happen' in its strict sense will hardly supply the meaning of the words that are sometimes substituted for it.

"The word 'happen' exactly expresses the construction which was given in all the cases up to 1825. No other word could have been employed that would have satisfied the construction first given to the constitution by the senate. The minority report of the committee discusses the meaning of that term as far as it is necessary to do so.

"It may be conceded, too, that the word 'occur' is often used as an equivalent for 'happen,' and that therefore no conclusive inference as to the intention of the framers of the constitution can be drawn from the use of the word 'happen,' alone. The exact intention of a deliberative body in the use of a doubtful meaning, when other means fail, can often be determined by contrasting

it with another word or words for which it was substituted in the course of the composition of a statute or constitution, and by the association of the word in question with words which precede or follow it. We have the debates in the convention which framed the constitution, and it is admissible to resort to those debates as a means of ascertaining the intention of the framers of the constitution in the use of particular words. It appears that a committee of the convention, known as the committee on detail, recommend a clause to be made a part of the constitution. I have not the exact words before me. The recommendation was a broad one, that the power of filling vacancies—I quote freely—shall belong to the executives of the states until the next meeting of the legislatures. It is true, as has been said already, that an attempt was made to strike out those words from the plan.

“It is also certain that the words suggested by the committee were not satisfactory to the convention. It is easy to be seen that if the original words reported by the committee of detail had become a part of the constitution, controversies like this could not have happened. ‘Vacancies shall be filled by the executives of states until the next meeting of the legislatures.’ I repeat, I quote freely. The necessity for retaining in the constitution power to fill vacancies was recognized to the extent that the convention refused to strike out those words when that distinct proposition was made. But the clause was not satisfactory to the convention, and the words now found in the constitution were inserted to give exact expression to the intention of the convention.

“The exact words selected were ‘if vacancies happen by resignation, or otherwise.’ The senator from Indiana (Mr. Turpie) attaches much importance to the meaning of the word ‘otherwise.’ The senator’s proposition is that the convention was unwilling to accept as a part of the constitution the clause which provided that vacancies in all cases shall be filled by the governor until the next meeting of the legislature, but his proposition is that the

word 'otherwise' gives to the clause reported greater significance than it had before; that is, all vacancies may be filled by the governors of the states. Now the modification was, 'if vacancies happen by resignation, or otherwise.'

"The senator from Indiana argues that the word 'otherwise' restores to the original proposition the broad comprehension intended by the authors of the report, and that the clause is now to be read, 'if vacancies happen by resignation or exist from any other cause, the governor may fill that vacancy until the next meeting of the legislature:' that is, that the limitation which was intended by the insertion of the word 'resignation,' was enlarged and made as broad as before by the use of the word 'otherwise.' So, according to the theory of the senator from Indiana, and, as I understand it, of the senator from New Hampshire (Mr. Chandler), the governor may fill all vacancies until the next meeting of the legislature; that the word 'resignation' is without meaning, as 'otherwise' comprehends all that was meant in the proposition contained in the original report.

"The senator from Massachusetts ingeniously suggests that the purpose for which the word 'resignation' was inserted in the clause was not to limit the executive power of resignation. He tells us that it was the rule in England, that no member of the house of commons could resign or vacate his seat otherwise than by the acceptance of an employment under the crown, and the familiar practice of the house of commons of a retiring member accepting the stewardship of Chiltern Hundreds, is cited to illustrate and enforce the proposition the senator advances. But it will be remembered by those who have taken the pains to examine the debates, that there is no allusion in any of the debates to that fact. It is nowhere claimed in the convention that the case was before the minds of the framers of the constitution.

"It is suggested by a senator on my right (Mr. Pepper)

that resignations were familiar in the continental congresses, and the American doctrine of the right of the incumbent to resign his place was not questioned.

“The suggestion therefore, of the senator from Massachusetts has the merit of ingenuity, but it has no foundation in any fact or expression which occurred in the course of the debates in the constitutional convention. For what purpose, then, was the word introduced? Its natural effect is to limit generality of the words reported by the committee of detail. That report provided, in substance, that the executives of the states should fill all vacancies until the next meeting of the legislature. That was not satisfactory to the convention. It was not satisfied that the governors of states should have the power to fill all vacancies that might occur, and words of limitation were thought to be necessary, and were introduced into the clause. The words of limitation are, ‘if vacancies happen by resignation, or otherwise.’

“As a matter of fair construction, the word ‘resignation’ can only refer to the vacation of an office by one who had a right to continue to occupy it. The word was introduced into the constitution for a purpose. I maintain that it was introduced as a word of limitation, and the senator maintains that the purpose intended was only to give the senator incumbent the right to vacate his seat. I maintain that the words are a limitation on the power of the governor to appoint senators. The other proposition is that the words only mean that the senators may resign their seats and thus create a vacancy, and the executive of the state may fill all vacancies which may happen to exist during a recess of the legislature. Is it not much more reasonable to conclude that the amendments proposed to the original draft had a more definite purpose? The legislature of states are the electors of senators. I think I may fairly assert it was undoubtedly the expectation as well as the purpose of the framers of the constitution that the legislatures would in all cases elect senators. What ground could

there be for a doubt on that subject? The power was conferred upon states to elect senators for the sake of the states. It was the right, as well as the privilege, the duty as well as the advantage, of the states to be represented in the United States senate. Could it have been anticipated by the framers of the constitution that the states would fail to exercise the privilege of being represented in the senate of the United States? The right of states to representation in the senate was deemed so precious that it was provided elsewhere in the constitution that no state should be deprived of its representation in the senate without its consent.

“I quote these provisions of the constitution freely. It was deemed an essential, valuable, precious right of representation. It never could have been thought possible that the states of the Union would waive a right so valuable as that of being represented in the United States senate. The right to representation in connection with taxation was the cause of the revolution. Can it be supposed that the convention which framed the constitution anticipated the possibility that the states would voluntarily waive this most valuable right? The idea that it was intended to provide for the contingency of a legislature disregarding its plain duty to its people in electing a senator could not possibly occur to the framers of the constitution. The senator from Indiana says, and truly too, I think, that our fathers were familiar with political strifes, as we are. But they never contemplated that the factions of a state would consent to waive the valuable right of representation in the national senate. I shall not trouble the senate by discussing that which the senator from Oregon (Mr. Mitchell) presented so clearly and well.

“It cannot be presumed that the convention imagined, if I may use that term in such a connection, that the legislatures of states to whom the election of senators was confided would ever fail to discharge that duty.

“It cannot be affirmed, with proper respect to them,

that they anticipated such a condition of things; that they did not anticipate such a condition is inferable from the fact that if they had, they would have inserted an express provision in the constitution to meet it. It would have been easy to have provided that 'when vacancies shall occur by a failure to elect, or happen by resignation or otherwise.' I take it, therefore, that this was not in contemplation or it would have been provided for.

"Now, I return to the original proposition, 'if vacancies happen by resignation.' If it had been anticipated that a vacancy could exist by a failure to elect, the natural order of that statement would have been that the failure to elect would have been provided for, and it would have preceded the word 'resignation,' as incumbency must precede resignation.

"The term 'resignation' was, as I maintain, introduced as a word of limitation. It was proposed that governors should fill all vacancies.

"The amendment was that the governors might fill some vacancies, and an attempt is made to describe the vacancies which may be filled by a governor. 'Resignation' is chosen as the descriptive word indicating the general cause of the vacancy.

"The senator from Indiana, with that ingenuity which characterizes him, and to the exhibition of which I always listen with much interest, intimates that the word 'otherwise' covers all vacancies, all cases, all other ways. I ask him if it was intended that the governors should fill all vacancies, why were the words reported from the committee of detail rejected? Why were any other words used? If, as is maintained, the governor may fill all vacancies until the next meeting of the legislature, why were the words of limitation used? If it was the intention of the framers of the constitution, why were other words employed?

"The ingenious suggestion of the senator from Mas-

sachusetts (Mr. Hoar), which I have already noticed, is that the purpose of the word 'resignation' was simply to recognize the right of a senator to resign. If it was used for that purpose only, then it has the merit, I say, of extreme ingenuity, but has no support whatever in the debates in the convention, and seems to be unwarranted by anything under any custom or rule which prevailed in this country at any time.

"Upon a careful inquiry as to the meaning of the word 'otherwise' its significance is not always clear. In the report of the committee this subject is discussed with clearness and ample learning. I will not ask the senate to listen to me while I continue a discussion which seems to me to have been there exhausted. Evidently from the fact that that is the word chosen after 'resignation,' it contemplates causes resembling resignation, according to very well understood rules of interpretation.

" 'Otherwise,' if interpreted as the senators on the other side interpret it, rendered an amendment to the report of the committee of detail entirely unnecessary. As I said before, it simply restored the original words reported by the committee, and with a sort of grant of power to an incumbent to resign. That would seem to be the whole effect of the proposition according to the arguments on the other side.

"The term 'otherwise' admits of very free interpretation. It may mean 'in any other way.' It may mean in connection with the word 'resignation,' or 'any like case.' The senator from Indiana wastes some time, I think, in combating that view when he asserts that a vacancy occasioned by resignation and one caused by death or expulsion are alike in their results and in their incidents.

"In order to find the meaning of the term 'resignation' we must find that one has been in possession of an office or thing and that he has yielded it up so that that place which was full is now vacant. In the case of

expulsion the office was full, but made vacant; and in the case of resignation the vacancy happened by voluntary act of the incumbent. In the one of expulsion it happened by the act of the body which had the right of expulsion. Other illustrations might be found. While these vacancies, originating from different causes, may be unlike in the cause, they are alike in the results. An office is full; an office happens to be vacated. Resignation is given as one of the examples of an office once full, but which has become vacant. Illustrations might be multiplied showing that, while the senator from Indiana is largely our creditor for ingenuity, he seems to have failed to perceive that the vacancy is the thing to be considered; and that is the result of any one of a number of different causes which produce the result, 'otherwise' being the term which comprehends all similar cases.

"Mr. Gray. Classified with reference to that result.

"Mr. Palmer. As is suggested by the senator on my left, classified with reference to that result, the result being a vacancy in an office once filled. I attach much consequence to the alterations in these phrases employed in the progress of the debates in the convention. The first idea was that constitution should confer upon governors of states power to fill all vacancies, however they might happen or from whatever cause they might result, and that would satisfy the senator from New Hampshire, who has presented us an argument this morning to support the equal dignity of a governor of a state with the legislature of that state. I may reply to the senator by saying that I am not called upon to determine the relative dignity of the executive and legislative departments of states.

"The inquiry is, what was the intention of the framers of the constitution? In order to ascertain that intention we must resort first to the words. We are at liberty to look to the process by which the ultimate result was reached; we are permitted to consult contemporary his-

tory, and we are at liberty to resort to contemporaneous practice.

“Permit me to show a rule I think the senator from Massachusetts will recognize as one of universal acceptance, that in the construction of a law, and necessarily of a constitution, it cannot be presumed that the legislature or the constitutional convention employed any words without meaning. In construction, a meaning must be found for every word, unless it is clear that no construction can be found which would not be absurd.

“It is a modification of the rule that the intention must govern in the construction of constitutions and statutes. Now, why were those words introduced? What was intended? If the senator from Massachusetts was correct in his theory, the word ‘resignation’ is a useless one, serving as the mere resting point for the word ‘otherwise.’ ‘If vacancy shall happen,’ I render freely, the governor shall make temporary appointments until the next meeting of the legislature. If that had been the clause of the constitution, the word ‘happen’ might be accepted in the broad meaning claimed for it by the senator from Massachusetts, it being the same as the word ‘occur,’ or even the word ‘exist.’ If vacancies exist, the governor may fill that vacancy until the next meeting of the legislature. What is the case of the senator from Washington, Mr. Allen? In that case the vacancy occurred while the legislature was in session, and in order to get rid of that difficulty the senator must get rid of the words ‘during the recess of the legislature.’ The ingenious senator from New Hampshire would not have the least difficulty in holding that modern learning and skill are quite equal to the task of even getting rid of the phrase, ‘if the vacancy shall happen during the recess of the legislature, the governor may make a temporary appointment.’ In this case the vacancy happened while the legislature was in session, and the legislature continued in session for nearly a week from the third, until, I believe, the ninth day of March,

1893. There the vacancy did not happen during the recess of the legislature. Undoubtedly, under the rules of free and liberal interpretation, some method will be found to show authority for the governor to appoint Mr. Allen as his own successor.

“Going back again, I have said, and I repeat, that in the progress of these investigations, we are to conclude that every word had some meaning, not necessarily an exact meaning according to the best authorities, but it must be implied in some sense, perhaps a better sense, as the term is understood by the people. I understand no rule is better settled than that, unless phrases are technical, we are to look to the language of the country in order to interpret written or printed instruments, whether constitutions or contracts. It is also to be supposed that, while we are giving the interpretation to words, we can reject none. ‘If vacancies happen.’ .

. . . Going back to the line I was pursuing, however, in rather a desultory way, I want to remark, and somewhat in continuation, that the terms employed in this instrument evidently contemplate, on even Mr. Madison’s suggestion, that these words would authorize resignation. They were at the same time words of limitation on the power of the governor. They were to operate by way of limitation, and also to operate by words as examples, and in connection with the word ‘happen,’ which, as I have said before, perfectly represents the idea of possibility or accident, and does not perfectly represent an occurrence which comes by course of nature or by operation of law—one that may be foreseen.

“It is, therefore, much safer as a matter of construction to accept a word which has a distinct signification, without being ingenious, to find that the same word may have other meanings.

“The example was resignation, and the word ‘happen’ was also introduced. The word ‘happen’ does not exist in the original draft of the committee of detail; the word ‘happen’ was imported into the amendment, as

well as the word 'resignation.' The whole clause is coupled with this word contingency, which perfectly satisfies the purpose of the senators on the other side.

"Now, Mr. President, being about to conclude what I have say on this subject, I beg to state that this is one of the most solemn occasions which has occurred in the senate since I have had the honor of being a member of this body. We are discussing questions that go to its very organization, and it is proposed to extend the constitution so as to remove the choice of senators still further from the primary source of all political power—the people. By way of compromise, perhaps, it was suggested in convention by some persons that the power of appointing senators might be conferred upon the executives of the states. On the other hand, the claim was made that the power of electing senators should be brought as near the people as possible. The compromise was found in vesting the choice of senators in the legislature of the states, and the qualifications of the electors of the legislatures were left undefined, in order that the power might be as near the people as possible.

"Instead, therefore, of characterizing the construction for which gentlemen on the other side contend as being beneficial, it is the reverse. It is subversive. It is intimated in the report of the committee that it was proposed to give this power to the governors alone. That is true, but the prevailing sentiment was to place the power as near to the people as possible. This proposition will confer ultimately on the governors of the states the power to appoint senators much more extensively than is claimed, now, because you observe how it has gone on step by step.

"In 1794, in the case of Johns, according to the admission of the senator from New Hampshire, it was agreed that the power of the governor to appoint could not be exercised in cases like these.

"In the cases from New Hampshire another step was taken in the direction of increasing the mere uncon-

trolled power of the governor. That was another step in the direction of giving the power to the governors to appoint senators. If this line of construction is pursued, when gentlemen reject clauses in the constitution in order to attain liberal results, the time is not distant when the powers of the legislature to elect will be very largely abridged, and the day is not distant when there will be combinations in the states to defeat the choice of senators by the legislatures so as to insure appointments by the governors. The process is an easy one.

We have the remarkable example of three states now with senators appointed by the governors knocking at these doors. The legislatures have been in session. Every man of them was under the obligation of a solemn oath to obey the requirement to elect a senator as the representative of his state and its people. They failed to do so. From what consideration? Senators say they could not elect. I, in turn, say that it was their duty to elect, and that their inability was a fictitious inability, imaginary, pretended; that it was not real. The spirit of faction may have taken control of some or all of them, but there is reason to believe, and it is a possible conclusion, that certain interests preferred that the governors should make appointments.

“The gentlemen who are here, so far as I know, are blameless, free from fault. They have my personal respect; but there lies the danger, and step by step we depart from the pathway of the fathers. We become wise in our own conceit. The senator from New Hampshire conceives the doctrine of liberal interpretation which would change the government, and step by step our institutions are subverted by this spirit of change. No man can forsee the result.

“The safe course is to restrict the power of governors to the exact limits of the constitution. If the legislatures fail to elect senators, let them be responsible for those who elect them. You afford to faithless legislators a

means of escape by this substitutionary method of appointing senators. Gentlemen talk about representation in this body as if it was a matter of such transcendent consequence that anybody might appoint, or as if the origin of the appointment is a matter of comparatively small consequence. The object is, we are told, that the senate shall be full, always full. It is not so, Mr. President. The object is that the senate shall be filled with the representatives of the states, representatives selected by the agencies to which the election has been confided by the constitution, by the representatives of the people, and every step that removes from the legislature a sense of its responsibility is a step toward the subversion of free institutions.

“If the people of Montana, or of Washington, or of Wyoming are without representation in this body, whose fault is it? Have not their legislatures had ample power to elect? In a session that lasted for months they have been struggling, they tell us, over an election for senator, and have been unable to elect. What was the ground for that inability? Did they will to discharge their duty? Were they there to meet their obligations to their constituents? No; they were obeying the voice of faction, which would sacrifice sometimes free institutions for the sake of mere temporary advantages. They have failed to discharge their duty. What is the remedy? Gentlemen suggest that the governor of a state shall relieve them of all responsibility by appointing a senator for them. Sir, the governors of those states (and I speak again respectfully of these gentlemen) have appointed as senators gentlemen whom the legislatures would not elect.

“They did not elect them. They had the opportunity to elect them and they would not do it. The effect of this is to relieve these recreant members of the legislature from their responsibility to the people.

“If the states of Washington, Montana and Wyoming were to remain without representation who would be re-

sponsible for it? Whom would the people hold responsible? They would visit the proper punishment upon the faithless men who disregarded their duty. But the senate kindly proposes to relieve them of all trouble. The men whose duty it was to choose a senator go back to their constituents and say: 'The governor has done that which we ought to have done, and the senate of the United States has held that where the legislature of a state refuse to elect, the governor shall appoint.' I ask pardon; these legislatures have not used the word 'refuse,' but let me put a case. Suppose that before ending its session the legislature had passed this resolution: 'Resolved, that we will not elect a senator to the senate of the United States.' What would the senator from Massachusetts say then? To be logical he would say: 'Let the governor appoint a senator,' forgetful that the convention would not entrust the legislature with the discretion to refer appointments for the senate to whom they pleased. The senator has the book before him. They would not entrust the legislature with that power, yet the senator maintains a doctrine here that would enable the legislature to abandon its duty and delegate the power of election to a governor who might not represent the people. . . . I am done when I say that I respect the power of the executive of the states and I claim for them all the powers which belong to their office. I had the honor of being the governor of a state once, and I surely magnified my office. I never allowed its honors to be trailed in the dust. I employed its powers in season and out of season, whenever its dignity was invaded or its laws violated; but I also believe that the safety of the people of this country depends upon a rigid adherence to the constitution as it is.

"In the great struggle which commenced in 1861 and ended in 1865, the efforts of patriots were not to establish a new government; it was to maintain the dignity and authority of the constitution as it is, as it was, as it came from the hands of the fathers. I believe it my

duty now to stand by the ancient ways and to resist these innovations, because I cannot foresee where they will end. When we depart, we take a final departure; we break loose from our moorings under the influence of the liberal doctrines of the senator from New Hampshire, doctrines which have no other merit than their liberality. They are liberal with sacred things. It is a liberality without the sanction of law, conscience, or right. It is a liberality which disregards the interests of the free people of this country; it disregards popular liberty as defined and guaranteed and defended by the written constitution and fair and honest interpretation.

“Mr. President, I trust this question will be settled definitely on this vote. It is a great occasion. We are making a government by enlarging its powers. The power of construing constitutions is in fact the power to make them. We are to-day exercising a part of that power, and I warn the senate that this innovation, this liberal interpretation, at some time will return to torment the inventors.”

CHAPTER XXXIII.

Letter to Mr. Isaac H. Webb—Letter to the President.

The senate was still engaged in the discussion of the tariff bill, when I received a letter from Mr. Isaac H. Webb, to which I replied as follows :

“ISAAC H. WEBB, ESQ., *McLeansboro, Illinois* :

“*My Dear Sir*—I have your favor of June 18, 1894, in which you inform me that you are one of the delegates to the Democratic state convention, which meets in Springfield on the twenty-seventh day of this month, and ask my ‘opinion upon the silver question,’ which you intimate will be the main subject for contention in the convention, and ask me also whether I favor the gold standard, or would it be expedient for the convention to adopt a platform favoring bimetallism? I do not favor an exclusive gold standard; but before answering the other questions which you propounded to me—which I will hereafter do categorically—I beg to call your attention to the fact that the declarations of the Democratic state convention of Illinois will be regarded by the country as of very great importance. The nomination of Mr. Cleveland by the controlling vote of the delegation to the national convention from Illinois reconstructed the political geography of the United States. Before that event, which was accomplished by the votes of Illinois, Wisconsin, Indiana and other states, influenced by like views of political policy, it was believed that Democratic success in national elections depended, and would always depend, upon the ability of the party to find candidates satisfactory to New York and two or three contiguous states and the ‘solid South.’

“Mr. Cleveland had been rejected by New York, and

he was nominated, not only as a tribute to his integrity, patriotism and statesmanship, but as a protest against New York domination, and his subsequent triumphant election vindicated the wisdom of the policy pursued by the convention.

“It is important and I venture to express the hope that the convention will not forget that Illinois, from its commanding situation and its immense and varied resources, must hereafter be an influential factor in the politics of the United States.

“The Democratic party of Illinois, therefore, cannot consent to play a subordinate part in the politics of the country. The state convention ought to incorporate in its platform principles of broad nationality.

It cannot, therefore, I think, commit itself to the free coinage of silver at the present legal ratio, of sixteen of silver to one of gold. That policy, if successful, would Mexicanize American coinage, and would in its result amount to silver *mono-metallism*, and be an abandonment of the safe and cautious policy of the present Democratic administration which contemplates the adoption of every means which will secure to the country the bimetallism of the Chicago platform. Bimetallism which recognizes both silver and gold as money metals, but now widely separated in commercial value, both to be used, however under conditions which will make the ‘*dollar* of equal value in the markets and in the payment of debts.’ It is not necessary to argue in support of that which is axiomatic, that the money which is cheapest and most easily obtained will be used, and will displace that which is more highly valued.

“The result, therefore, of the free and unlimited coinage of silver at the present ratio would dwarf the American dollar in value to a level with the silver coinage of Mexico and the South American states, and would produce monetary conditions such as exist in the silver countries.

“And it would also be to decline a contest with Great

Britain and the continental states of Europe for the trade and commerce of the world. The silver producing states naturally demand the free coinage of silver, they well understand that it would result in silver monometallism.

“It is also true that some of the western and southern states, discouraged by the low price of their staples, eagerly seek cheap money, influenced by the belief that it would enhance their prices and promote prosperity. The democracy of Illinois cannot indulge in these delusive expectations, nor yield to these exceptional demands, which will not be pressed by the west and south when prosperity returns, as it certainly will, to the country. The democracy of Illinois represent the bold, resolute, self-reliant conservatism of the United States. I trust, therefore, that the state convention will reindorse the Chicago platform, which ‘favors the use of gold and silver to be coined upon equal terms, the dollar of each metal to be of equal value in the markets and the payment of debts.’ Mr. Cleveland, since his accession to the presidency has exerted himself in the direction indicated by the platform, and will continue to do so. He, like every thoughtful man in this country, knows that under existing conditions, for which the Democratic party is not responsible, the bimetalism of the Chicago platform cannot be attained without great difficulty. Republican policies tended to exhaust the resources of the country, and produced the deplorable conditions apparent on every hand. Time is necessary in order to the restoration of public prosperity, and nothing can be gained in that direction by mere empirical policies, which in the end will produce far greater mischiefs than those from which we now suffer.

“I trust the state convention will stand by the well-established and well-approved landmarks so often expressed in our party platforms; that it will not be ‘stampeded,’ but will steadily face the difficulties of the present situation of the country, and decline all invita-

tions to make the party responsible for the timid expedients which may be pressed upon it.

Yours very truly, JOHN M. PALMER."

After the senate and the country had learned that the president was dissatisfied with the Wilson-Gorman tariff bill, which had passed both houses of congress, but would allow it to become a law without his signature, I wrote him the following letter :

"UNITED STATES SENATE,
"WASHINGTON, D. C., *August 23, 1894.*

"TO THE PRESIDENT—I called upon you to-day with the expectation of saying to you what I now write.

"You are of necessity the leader of the Democratic party, and you, by your message of 1887, made tariff reform the leading issue, and by that means reorganized the Democratic party.

"The present tariff bill contains all that your true friends in congress were able to obtain in the direction of the tariff reform.

"They accepted it as all they could secure. If you, representing the tariff reform element, should conclude to veto the bill, they can defend you, and themselves, although, in my judgment, sound policy dictates that the bill should become a law.

"If you sign the bill, you thereby retain the leadership of the Democratic party. The party can defend you and itself by comparing the measure with the McKinley bill; they can point to free wool, free lumber and the large reductions upon the woollen, cotton and other schedules, and to the abolition of the sugar bounty, as substantial gains in the interest of the people.

"If you allow the bill to become a law without your signature, you abdicate the leadership of the Democratic party on the issue that made you president.

"Mr. President, the country will need you hereafter; the senate of the Fifty-Fourth Congress will be anti-

Democratic, as will the house, perhaps, and you will need all the support possible, in order to enable you to resist the torrent of that undefined thing, called Populism, which already threatens constitutional order.

“You must remain at the head of the Democratic party. To allow the tariff bill to become a law without your approval would be to separate yourself from your party, and to sulk in your tent.

Mr. President, the commander of an army,, the leader of a party, must alike share the fortunes of their followers. The present tariff bill is a Democratic measure. Thirty-five members of the senate may be briefly said to agree with you in your theories of tariff reform.

“We were compelled to accept what we could get in that direction, and we secured much. To refuse to sign the bill, if you intend that it shall become a law, is to separate yourself from the Democrats in congress, and decline to share their responsibility before the country.

“I write this paper because I feel the necessity of your leadership to the party. I have no personal interest in the future of the Democratic party, because, at the end of my term in the senate, my public service will be ended. You have many years before you, and your power to be useful depends upon your ability to preserve and lead the Democratic organization.

“Yours, with respect, JOHN M. PALMER.”

CHAPTER XXXIV.

Oration delivered at the dedication of Chickamauga Park.

The following oration was delivered at Snodgrass Hill, on September 19, 1895, on the occasion of the dedication of Chickamauga Park :

“MR. PRESIDENT, MY COMRADES AND MY COUNTRYMEN :

“I am profoundly sensible of the honor which the secretary of war conferred by selecting me to represent the soldiers of the United States who participated in the great military events which occurred on this theater in the late summer and autumn of 1863.

“When I recall the names of the galaxy of distinguished men who took part in the drama which has made Chickamauga immortal in national history, I feel that many of them would have better honored this occasion—but, alas! where are they?

Rosecrans, the central figure in the great ‘campaign for Chattanooga,’ is now on the genial shore of the Pacific, struggling with age and disease, attended by a loving daughter, and the prayers and good wishes of all the survivors of the hosts he commanded.

“George H. Thomas, the earnest, disinterested patriot, the soldier, the ‘Rock of Chickamauga,’ sleeps in a quiet cemetery near one of the beautiful cities of New York. A native of Virginia, educated by the United States, and one of the officers of the army at the beginning of the armed strife, he did not yield to the sophistry of paramount allegiance to the state of his birth, which deluded and misled so many others. He adhered to and followed the flag of his country, and died at his post of duty in California. No nobler man lives, and none nobler has died.

“Crittenden, always generous, brave and manly, and Gordon Granger, who so distinguished himself on this

field on September 20th, have passed away, and McCook, alone, of the corps commanders, survives.

“Death has summoned Brannan of the ‘14th,’ Jefferson C. Davis, and Philip H. Sheridan of the ‘20th,’ Van Cleve of the ‘21st,’ and Stedman of the Reserve Corps.

“Of the brigade commanders, Lytle, the ‘soldier poet’ fell September 20th; Harker and Dan. McCook in the assault on Kenesaw, in 1864, and others, equally distinguished, have since succumbed to age and disease, and comparatively few survive to this thirty-second anniversary of the first day of the battle of Chickamauga.

“It may be that I owe my selection for this honorable duty to my seniority in rank amongst the survivors of that day, but not on account of superior merit, for where all did their duty, no soldier can be said to be superior to any other.

“I feel honored too, that on this interesting occasion I am associated with that distinguished soldier and orator, General John B. Gordon, who, though not a participant in the operations here, represented the Confederate cause gallantly on many other battle-fields, and has described the ‘last days of the Confederacy’ with such force and eloquence that I cannot hope to equal him.

“My comrades and my countrymen, I will attempt to discharge the representative duty imposed upon me, but in view of the great difficulty of even selecting the theme for the brief address which I am to deliver here, where so many memories crowd upon me, all demanding utterance, I will need your indulgence. Where shall I begin?

“Standing in this presence, upon this historic ground, I am conscious that no words of my own will stir and thrill the survivors of the great military events which thirty-two years ago transpired in these valleys, and under the shadow of these mountains, as will the

mention of Chickamauga, Chattanooga, Lookout Mountain and Missionary Ridge.

“These names are now historically significant of great battles, where many thousands of brave men, of the same race and language contended with each other for victory. At the mention of them, the eyes of veterans, dimmed by age, will kindle, and for the moment they will forget the flight of time and the lapse of years, and in imagination again plunge into the heady fight.

“And there are other places in this region of mountains and valleys which, if of less importance, will, when named, rekindle almost extinct recollections. ‘Crawfish Springs,’ with its rushing flood of crystal purity, was to us men of the prairies, where nothing like it exists, a ‘thing of beauty.’ ‘Lee and Gordon’s Mill,’ which was for a few days the center of the movements of that part of the army with which I was connected, and where I spent part of a birthday by the side of a wounded comrade, and within the sound of a skirmish which was almost a battle; ‘Peavine Valley,’ where to my infinite mortification I lost nearly a company of one of my veteran regiments, captured by a rush of Confederate cavalry; ‘Ringgold,’ the scene of the bloody return of the Confederate rear guard, inflicted upon their pursuers after the battle of Missionary Ridge, is not distant—indeed, there is scarcely an object within this theater of operations—streams, bridges, houses and fields—which is not suggestive of something which pertains to the stirring, eventful period which we have assembled to commemorate.

“But my duty requires of me more than the mention of the names of these places, memorable as they are, for the civil war in the United States in its origin, its progress and its results, is full of lessons to us and the American people.

“At the close of the war of the revolution, the people of the American colonies were a nation. They were made so by their identity of race and language, and by

their common efforts and sacrifices to maintain and defend their liberties. The constitution of the United States, the most perfect product of human wisdom, inspired by the most exalted patriotism, created a government for a nation, a government which from necessity is supreme within its appropriate sphere. The statesmen of that day were divided in opinion. Some of them supposed that the constitution gave to the national government powers so great as to endanger popular liberty. Others believed that the powers reserved to the states endangered national unity. Therefore, disputes as to the relative rights and powers of the national government under the constitution and of the states, commenced soon after its adoption. Some political writers, in both sections of the Union, find the germs of secession and of rebellion against the national supremacy, in the Virginia and Kentucky resolutions of 1798, while others of equal respectability and authority claim that the resolutions of 1798 assert no more than the right of the states, while adhering to the states to defend the constitution, and by peaceful and orderly methods, resist the palpable infractions of its provisions.

“Again, it has been claimed that the ordinance of nullification adopted by the State of South Carolina began the controversy which finally culminated in the civil war. While on the other hand, the supporters of nullification asserted that the South Carolina ordinance harmonized with the proper interpretation of the constitution and tended to support the union of the states, and in no sense involved the theory of secession. Later, ‘the South’ complained of the Wilmot Proviso, which excluded slavery from all the territories of the United States north of latitude 36° 30”, as an invasion of the rights of the states in which slavery then existed. The North complained of the repeal of the Missouri Compromise, which, as was claimed, invited slavery into what are now the magnificent States of Kansas and Nebraska, and into other territories, some of which have since that

time become great and populous states of the American Union.

“In the attempt to vindicate the repeal of the Missouri Compromise, some distinguished southern leaders insisted that the negro slaves, being property in some of the states, might be carried into the territories, which were the common property of all the states. While on the other hand, the northern people maintained that negroes were persons, and that slavery was the accident of their situation, and that slavery could not exist in the territories. And southern leaders went still further in the assertion that the states, being sovereign and equal, possessed the inherent right to secede from the Union, and that any one or more of them might at pleasure establish an independent government hostile to the United States. I think that from 1856, when General Fremont was the favorite candidate of many of the northern states for the presidency, until 1860, when Mr. Lincoln was named for that high office, a majority of the American people regarded all the disputed claims and opposing political propositions asserted by the rival sections as mere abstractions.

“They believed that slavery would perish as civilization advanced, and that it could never be maintained in the purely agricultural regions of the North and West. I know that, with inconsiderable exceptions, this was the feeling of the people of all the states north of the Ohio.

“They did not care for the mere sentimental belief, cherished by so many, that slavery was a divine institution. They were satisfied that slavery could not be defended, and they hoped to witness its ultimate extinction. It did not alarm them that many were committed to the dogma of the right of any state to secede from the Union at pleasure, for they did not expect or anticipate any overt act of secession or disunion from any quarter whatever.

“In 1860, Abraham Lincoln, of Illinois, was nom-

inated as a candidate for the presidency. For the first time in the history of the United States, it was seriously asserted in certain sections that the election of a particular presidential candidate would afford sufficient cause for the secession of the states interested in slavery from the Union.

“This declaration, coming from the quarters it did, excited some apprehension. Mr. Lincoln was regarded, not only by his political friends, but by his opposers, as a safe, conscientious, constitutional statesman. His sincerity and integrity had never been questioned.

“The presidential canvass of 1860, though heated, was conducted in the usual manner. The election was fair and free. The electors met in most of the states and cast their votes, which were certified, according to the constitutional and legal forms, and the votes of the electors were counted in the presence of both houses of congress, and Vice-President Breckinridge, as the presiding officer of the joint session, declared that ‘Abraham Lincoln, of Illinois, having received the votes of a majority of the electors of the several states of the United States, is duly elected President of the United States for the term of four years from the fourth of March, 1861.’

“Soon after the result of the election of 1860 was known South Carolina in form seceded from the Union, and was afterwards followed by other states, and the seceded states adopted a form of confederate government.

“I spent the month of February, 1861, in Washington, and mingled extensively with public men from all parts of the United States, and can now recollect that many of them professed to believe that the controversy between the ‘adhering and seceding states,’ as they were even then termed, would be speedily and peacefully settled. Some few men of prominence from the North said “the revolution is complete,’ and advised that the erring sisters be allowed to ‘go in peace.’ Others, like Mr. Douglas,

then senator from Illinois, and Governor Morehead of Kentucky, said to me : 'The peaceful settlement of our troubles is impossible ; the Southern leaders have gone too far to recede,' and Mr. Douglas added : 'Before this controversy is settled the continent will tremble under the tread of a million of armed men.' And Governor Morehead, who agreed with Mr. Douglas, said : 'Misrepresentation has alienated the people of the North and South ; they have challenged each other to war, and in that war slavery will cease to exist. They will fight to the death, and after a bloody contest they will learn to respect each other, and may live in peace.'

"The civil war according to that view was a struggle between the elements of American manhood. Political, economic and moral considerations may have impressed and influenced statesmen and philanthropists, and the like considerations affected the great body of the people, and swept them into opposing political parties, and made them the adherents of rival governments. The assault upon Fort Sumter, which occurred in April, 1861, made any compromise of the sectional differences impossible and fully justified Mr. Toombs, secretary of state of the Confederate government, in saying, 'The firing upon that fort will inaugurate a civil war greater than any the world has ever seen.' Whatever may have been hoped, believed or feared by the lovers of peace in the different sections of the Union before that time, the attack upon Fort Sumter rendered a civil war inevitable. After that event Mr. Lincoln answered the challenge for war by a call for 75,000 men. At that time the whole South was practically in arms, and the call for 75,000 men was within a month responded to by the northern states with an offer of more than a quarter of a million, and the flame of war extended across the continent.

"I need not speak of the military operations of the years 1861 and '62, nor of the events which occurred

elsewhere than upon the theater included in the operations of the armies which encountered each other here.

“The first days of the year 1863 found these two armies in actual collision around the town of Murfreesboro, which after a struggle was finally held by Union forces, the Confederates falling back to the line of Tullahoma. In the latter part of June, 1863, the Union forces, after months of preparation, broke up their camps at Murfreesboro and their advanced posts in that neighborhood, and were put in motion for their objective point—Chattanooga. The campaign of 1863 has been characterized as the ‘campaign for Chattanooga.’

“From the beginning of the war the great importance of Chattanooga from a military point of view was well understood. It was the key to the great, populous and wealthy State of Georgia, and in fact to the whole South. Its position was one of great strength. Situated on the Tennessee river, surrounded by mountains, it is difficult to approach from north and west. During the latter part of June, and in early July, the Union and Confederate hosts contested the line of Tullahoma, the Confederates afterwards retiring to the line of the Tennessee river. About the first of August, 1863, the whole Union army commenced its advance, the left wing occupying Sequatchie Valley pushed forward a brigade to Poe’s tavern in the valley of the Tennessee to watch Chattanooga, and, by a show of force, to threaten that place and also the crossings of the Tennessee river.

“In the meantime Rosecrans moved his center and right over the mountains in the supposed reported direction of Rome, in order to reach the Confederate rear, and on the eighth day of September, in consequence of that movement, the Confederates evacuated Chattanooga.

“It is no part of my duty, nor is it my purpose, to criticise the strategy of the commanders of the two armies, or the movements of troops, or the conduct of the subordinates, before, during or after the two days battle

of Chickamauga. I do not know what General Rosecrans believed General Bragg intended by the evacuation of Chattanooga. I know that on the morning of the 9th of September my division, which was posted in Lookout Valley, was ordered to follow the railroad around the point of Lookout Mountain and enter and occupy Chattanooga.

“That order was changed, and at my request General Crittenden allowed me to proceed with Van Cleve’s division and my own and take a position at Rossville. On the morning of the 10th, I received an order to pursue the enemy in the direction of Ringgold. I reached Ringgold on the 11th of September, and was there overtaken by General Crittenden, who informed me that it had been discovered that General Bragg had retired from Chattanooga in the direction of Lafayette, Ga., for the obvious purpose of watching the movements of our center and right, protecting his lines of communication and receiving the reinforcements from the Army of Virginia, which were then on their way to join him. He told me that Rosecrans had gone hastily to join Thomas and McCook, who were then crossing the mountains, and bring them to confront the Confederates in Chickamauga valley, and fight a battle for the possession of Chattanooga.

“When General Crittenden gave me the information I have before mentioned, he ordered me to march from Ringgold to Lee & Gordon’s mill, on the Chickamauga. I was more apprehensive of the advance of the Confederates than General Crittenden seemed to be, for I had never believed that General Bragg intended to abandon Chattanooga without striking a blow for its possession. At my request, he allowed me to move from Ringgold, with the fighting force of my division, in the direction of Pea Vine church, to feel for the enemy, while the transportation, protected by Van Cleve’s division, was moved to Lee & Gordon’s mill by the most direct route.

“I marched in the direction I have indicated a few

miles, and encountered in the neighborhood of Pea Vine church a solid Confederate force, and, after a close skirmish, retired and crossed the Chickamauga, so that by the evening of the 12th of September the 21st Corps, with the exception of two brigades, were in position on the left or western bank of the Chickamauga. From that time it was a race between the Union center and right and the Confederates for a battle field. Longstreet, from Virginia, was approaching with some thousands of veteran troops, who had participated in the bloody battles of Virginia, had crossed the Potomac and had fought at Gettysburg, while the forces under the immediate command of General Bragg were moving steadily upon us, and on the 17th and 18th had made themselves felt at the different crossings of the Chickamauga above Lee & Gordon's mill, while the 14th and 20th Corps of the Union army were hurrying to unite with the 21st Corps and resist his advance. On the 16th I moved with my division up to Chickamauga, defending the crossings, and on the 17th the advance of the right and center began to arrive, and the whole army commenced and continued its movement by rapid marches to the left. I remember a meeting of leading officers at the headquarters of the army on the evening of the 18th of September, which I attended for a few moments, called away from the meeting by the urgency of the situation. Reports were received from all directions. The advance of Longstreet's reinforcements had, as we were informed, reached Ringgold. The army of General Bragg was reported to be nearly on the opposite side of the river, moving with an evident purpose of crossing and seizing the road which led along the eastern base of Missionary Ridge. During the whole of the night of the 18th of September, every portion of the federal army was in motion. My own division, after interrupting delays, reached Lee & Gordon's mill about sunrise, while the 14th Corps, under Thomas, had, by a more direct route, gained a position at McDaniel's house, near

the Chattanooga road. I heard firing in that direction about eight o'clock, and directed Gross to proceed with his brigade and learn its cause.

"Time is important in all military operations. If Longstreet had reached Ringgold a day earlier and had at once attempted to seize the road to Chattanooga, which led along the eastern base of Missionary Ridge, he would have succeeded. He did not reach the field until the morning of the 20th, when too late, for he found the Union forces in a position prepared to receive him. Another incident may be mentioned to illustrate the same fact. Soon after Gross had marched to ascertain the cause of the firing to our left, I received a note from General Thomas, which I supposed until lately led to the opening of the real battle on the 19th of September, and had an important influence upon the Confederate movements. I quote from the 'Southern Confederacy,' a newspaper published in Atlanta, of date of October 3, 1863, which came into my hands a few days after it was published: 'It is said that General Bragg's plan of attack was designed to be the same as that of General Lee on Chickahominy, viz: A movement down the left bank of the Chickamauga by a column which was to take the enemy in flank and drive him down the river to the west ford; or crossing below, where a second column was to cross over and unite with the first in pushing the enemy still further down the river until all the bridges and fords had been uncovered and our entire army passed over.'

"This plan was frustrated, according to report, by a counter movement, which is explained in the following order of the federal general, Thomas. This order was found upon the person of Adjutant-General Muhleman, of General Palmer's staff, who subsequently fell into our hands:

"HEADQUARTERS 14TH ARMY CORPS,

"NEAR McDANIEL'S HOUSE, *Sept. 19, 1863, 9 A. M.*

"MAJOR-GENERAL PALMER—The Rebels are reported

in quite a heavy force between you and Alexander's mill. If you advance as soon as possible on them in the front, while I attack them in flank, I think we can use them up.

Respectfully, your obedient servant,

"GEO. H. THOMAS, *Major-General Commanding.*"

"This was Saturday morning; the counter attack upon the front and flank of the flanking column was made with vigor soon after it crossed the river, and in accordance with the plan suggested by General Thomas; and, if not entirely successful, it was sufficiently so to disarrange our plans and delay our movements.

"I received the note of which this article speaks within half an hour after it was written, made the attack as soon as possible and gained some advantage, but did not succeed in driving them back across the river.

"A heavy force crossed the river to my right, which was met and resisted by Van Cleve and Wilder and the new and large regiment, the 75th Indiana, then commanded by the gallant soldier, Colonel Milton S. Robinson, afterward promoted by his fellow-citizens to a high judicial place, which he left vacant by his untimely and lamented death.

"It is certain that General Bragg had not anticipated the movement of Thomas's column so far to our left, nor the attack of my division as early as it was made, on the 19th of September, for, in the orders issued by him on September 18, 1863, he directed that 'Johnston's column, on crossing at or near Reed's bridge, will turn to the left by the most practicable route and sweep up the Chickamauga by Lee and Gordon's mill.' It was this force that I attacked, and, according to the story I have read, defeated all the movements of Confederate forces contemplated by that order. It may be interesting, too, to mention that, at the close of the first day's battle, it was certain that the Union forces had firm possession of the Chattanooga road. The second day's battle commenced between eight and nine o'clock on Sunday, the

20th day of September, by an attack upon Baird's division, which held our extreme left, and soon extended to the right, covering the front of Johnston's division and my own, including that of Reynolds of the 14th Corps.

"The attack was made with wonderful energy, and was resisted obstinately. It was repeated more than once, and was finally repulsed. Men and officers on both sides exhibited the highest degree of courage.

"An attempt was made by the Confederates to turn our left, but they were driven back, and from that time all was quiet on the left and on our immediate front.

"The country is familiar with the closing events of the battle of Chickamauga, and with the mistaken, or misunderstood, order given by General Rosecrans to General Wood: 'Close up on Reynolds and support him.' The attempt of General Wood to execute this order determined the result of the battle of Chickamauga—it opened our lines to an adventurous Confederate attack. I learned within a few moments, from the progress of the Confederate fire, that our lines were broken; very soon after, I saw on the mountain slope the advance of the Union reserve, led by Granger, and I witnessed their heroic efforts to restore the fortunes of the day.

"I ordered Hazen, with his brigade, to join them, and I heard their volley when they went into the battle.

"Afterwards, under the orders of General Thomas, I retired from the field. With all my comrades on that field, I felt, and I now feel and believe, that but for the unfortunate order given by Rosecrans to Wood, or the unfortunate construction given by Wood to that order, in regard to which I express no opinion, the Union forces would have held the battle-field of Chickamauga. Certainly men never fought more bravely, or even desperately than did the men of both the armies on that bloody and well contested field.

"From data which I regard as reliable, but which I have not verified, the Confederate army which took

part in the battle of Chickamauga amounted to sixty thousand five hundred and eighty-nine men ; its loss was in killed, one thousand seven hundred and ninety ; wounded, eleven thousand one hundred and fifty-nine ; missing, one thousand three hundred and eighty ; while the strength of the Union army was fifty-seven thousand eight hundred and forty ; and its loss in killed was one thousand six hundred and fifty-six ; wounded, nine thousand seven hundred and forty-nine ; missing, four thousand seven hundred and seventy-four. These facts demonstrate the desperate courage of the opposing forces. Two armies of American soldiers, of the aggregate number of one hundred and eighteen thousand four hundred and twenty-nine, suffered the loss of three thousand four hundred and forty-six killed, twenty thousand nine hundred and seven wounded. Without counting the missing, the casualties of the two armies were more than twenty per cent of the whole number engaged.

“We retired from the field defeated, it is true, but we believed our reverse was the result of one of those unavoidable accidents against which no courage or skill could provide, and we were ready on the next day to fight again with all the courage and confidence that we felt on the nineteenth and twentieth of September.

“We retired to Chattanooga, and were pursued and beleaguered by the Confederates until November 25th, when the men who left the field of Chickamauga defeated on September 20th, stormed Missionary Ridge, and fully recovered the prestige of the national arms.

“My comrades and countrymen, I have thus told the story of the battle of Chickamauga. It is brief, and necessarily incomplete. Writers, some with historical accuracy, and others, in the language of romance, have told the tale of that bloody contest. No man can know much of the events which did not occur in his immediate presence on a field like this. We know the names of but few of the fallen, but we can remember the courage and gallantry of all who acted with us.

“I have said that the civil war was caused by the sectional challenge to American manhood, and that challenge was accepted, and followed by years of bloody and desolating war. In that war the American people learned to properly estimate each other, which is the only foundation for harmonious, national unity. By that war, the theory of the right of the states to secede from the Union, was forever eradicated from our system of national constitutional government. By that war, African slavery, which was the root of sectional bitterness, and was one of the causes or pretexts for national controversy, was forever overthrown, and the flag of our country became at once the emblem of freedom and the symbol of national power. As the result of that war, the constitution was maintained, and not subverted, and the Union of the American people made perpetual. My comrades, we who survive to this day, may well be grateful to that Divine Being who guides the destiny of nations, that we are permitted to see an established Union; a republic extending from the Atlantic to the Pacific, and from the Lakes to the Gulf, and liberty and law the all-pervading rule of our national life.

“We are here to-day, ‘with malice toward none, and charity for all;’ we meet as citizens of a common country, devoted to its interests, and alike ready to maintain its honor, wherever or however assailed.

“To my comrades, you who were Confederate soldiers during all the weary struggle of the civil war, I beg to say that I was proud of your gallantry and courage. I never allowed myself to forget that you were Americans, freely offering your lives in the defense of what you believed to be your rights and in vindication of your manhood.

“You are now satisfied that the result of the civil war established the unity of the powerful American republic; you submitted your controversies with your fellow-citizens, to the arbitrament of the battle-field, and you

accepted the result with a sublime fortitude worthy of all praise, and your reward is that peace and order are restored, and the 'South' which you loved so well, and for which you fought so bravely, now blossoms with abundant blessings.

CHAPTER XXXV.

Resolutions and acceptance by the senate of the statue of Père Marquette—My speech of acceptance—Unveiling of the Hancock memorial statue.

On April 29, 1896, I offered the following resolutions at the suggestion of the senators from Wisconsin :

“Resolved, by the senate (the house of representatives concurring therein), That the thanks of congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary, explorer and discoverer of the Mississippi river.

“Resolved, That the statue be accepted, to remain in the National Statuary Hall, and that a copy of these resolutions, signed by the presiding officers of the senate and house of representatives, be forwarded to his excellency the governor of the State of Wisconsin.”

Following which resolutions I made the following remarks :

“MR. PRESIDENT—The State of Wisconsin has selected and presented to the United States, to be placed in the ‘Hall of Heroes,’ the statue of Jacques (or James) Marquette. It will, when accepted, take its place among the marble and bronze representations of the great men selected by the states as their ideals of lofty characteristics and noble deeds. No state has chosen better than Wisconsin in selecting Père Marquette as the representative of courage, resolution and devotion to the elevation of humanity.

“Mr. President, mankind honors heroes, and the history of our race in all ages exhibits the universal disposition to honor names ennobled by the possession and exhibition of great qualities. Eminent soldiers are oftenest the objects of popular regard and adulation,

and it is to great commanders we are ready to attribute highest qualities.

“The public grounds of this magnificent city afford abundant proof of the truth of these reflections, for in nearly all of them are to be found the statues of soldiers who have won distinction—Washington, Lafayette, Green, Jackson, Scott, and leaders who distinguished themselves at later periods. Civil fame does not bear such rich and generous fruit, though the qualities which go to constitute greatness in military and civil life are much the same.

“Washington and Jefferson, Jackson and Clay, Grant and Lincoln, alike possessed great sagacity, exalted courage, and, what is more impressive, if not more valuable than either, unfaltering, unflagging resolution. Sagacity, by which term I mean to include extraordinary wisdom, often perceives and exaggerates danger. Courage is sometimes intermittent, while resolution, when associated with the qualities I have mentioned, utilizes both and gives them steadiness, persistent force, and success when success is possible.

“Lincoln never commanded an army in the field, but many of us know that his patient resolution, which checked the desperate purposes of the rash and extravagant and supported the faltering and the timid, equaled Grant, who would ‘fight it out on that line if it took all summer.’

“James Marquette, whose history is brief, was, we are informed, born in 1637, one hundred years before the birth of our Washington. When about seventeen years of age, he joined the Jesuits, evidently from motives purely religious, and in 1666 he was sent to the mission of Canada. His talent as a linguist must have been great, for within a few years he learned to speak six Indian languages. Parkman, whom I follow, says: ‘A subtle element of romance was blended with the fervor of his worship, and hung like an illumined cloud

over the harsh and hard realities of his daily lot. Kindled by the smile of his celestial mistress, his gentle and noble nature knew no fear. For her he burned to dare and to suffer, discover new lands and conquer new realms to her sway.'

"In the journal of his voyage, after referring to a particular change made in his destination, he wrote: 'I was the more delighted at this good news, because I saw my plans about to be accomplished, and found myself in the happy necessity of exposing my life for the elevation of all these tribes, and especially of the Illinois, who, when I was at Point St. Esprit, had begged me to bring the Word of God among them.'

"He then made preparation for the expedition he was about to undertake. The outfit of the travelers was very simple. They provided themselves with two birch-bark canoes and a supply of smoked meat and Indian corn, embarked with five men, and began their voyage on May 17, 1673. It is needless to describe the route of the adventurous voyagers. They reached the Wisconsin; they discovered and descended the Mississippi river, passing the mouths of the Illinois, the Missouri, the Ohio and the Arkansas. Without weapons of defense, they visited tribes of turbulent and ferocious savages, armed only with the sublime doctrine of 'peace on earth, good will to men.' His efforts for the civilization of the savages he visited proves his boundless benevolence.

"The story of his death and burial by the shore of Lake Michigan is full of pathos. 'His comrades, knowing his death to be near, built a shed of bark for his protection. With perfect cheerfulness and composure he gave directions for his burial. . . . At night, seeing they were fatigued, he told them to take a rest, saying he would call them when he felt his time approaching. Two or three hours after, they heard a feeble voice, and hastening to his side found him at the point of death. He expired calmly, murmuring the

names of Jesus and Mary, with his eyes fixed upon the crucifix which one of his followers held before him.'

"They dug a grave beside the hut, and there buried him according to the directions he had given. Whether his remains rest where they were placed by the hands of his comrades, or were removed to St. Ignace, is perhaps uncertain; but whatever may be true in that respect, the gentle breezes of the lake sing his requiem, and we may hope that a spirit so pure and gentle, and yet so brave and resolute, rests where peace aboundeth forever.

"Mr. President, Father Marquette was a priest—I do not hesitate to speak of him by that respectful title—was an explorer and an apostle to all the tribes and peoples he might discover. He combined the courage and resolution of Paul and Judson and of Brainerd, with the gentleness of John and the humanity of Damien, who gave his life to the service of the lepers. He had more of courage and resolution than a soldier, for without intending to resist the dangers he might encounter, he met the threats of savages without fear, inspired with love for them and an eager desire to promote their temporal and eternal welfare.

"Mr. President the State of Wisconsin has selected this marble representation of this remarkable man as its contribution to the Hall of Statuary. The selection is one worthy to be made, and the statue of Pere Marquette will stand in that hall, surrounded by other statues representing men whose names will not die or be forgotten while respect and veneration for true manhood survive.

"I hope it will not degrade or even lower the dignity of this occasion if I should say that I do not assent to Roman Catholic theories of ecclesiasticism, but I would despise myself if the garb of a priest of that church could hide from my view the noble, resolute, devout Christian hero within."

In May, 1869, by request of the secretary of war, I

delivered the oration at the unveiling of the Hancock Memorial Statue, Washington, D. C., May 12, 1896.

“MR. PRESIDENT AND GENTLEMEN—According to the terms of my invitation, I am to deliver a ‘short oration’ in connection with these dedicatory services.

“When I accepted this invitation I promised myself an easy task, for I had met Lieutenant Winfield Scott Hancock in St. Louis more than forty years ago, and was then impressed by his soldierly appearance and his pleasant, genial manners.

“I again met him after he had won such rare distinction, that he was empowered by the war department to raise a special veteran corps.

“I had watched his course during the civil war with profound interest, and I had formed the most favorable opinion of his soldierly qualities. Influenced by considerations like those I have mentioned, and by sincere reverence for the memory of him whose statue is to be unveiled to-day, I accepted the duty. It has been no doubt observed by others, but it did not occur to me at the moment, that the life and service of General Hancock was better known to the American people than are those of any other of the great soldiers who won distinction during the civil war.

“So much has been written and spoken of his great achievements that what I will be able to say to-day, will, I fear, sound to my audience like an imperfect echo of what has often been better told.

“The domestic and social phases of the life of General Hancock have been described by that biographer whose delightful story commences at the time she became his wife. She shared much of his barrack and tent life. She followed the sagacious advice of Major, afterwards General, Robert E. Lee, which she quotes, and accompanied her husband to California.

“She describes the main incidents of their voyage and of their long residence upon the Pacific coast. She

studied the character of her husband, and with intelligent, wifely intuition she came to understand him as others did afterwards. She says: 'He understood himself. The talents and acquirements of a professor at West Point did not belong to him. He required broader fields for his nervous, energetic character, otherwise his profession would have become irksome and profitless.'

"So much of his correspondence with her as she has given to the world shows how much he loved and confided in her, and when she speaks of him as a husband and a father she is eloquent, and often pathetic.

"The military qualities of General Hancock are well known to the country. The story of his brilliant services has been told in detail by biographers, but General Grant has condensed his real character and reputation in a few sentences: 'Hancock stands the most conspicuous figure of all the general officers who did not exercise a separate command. He commanded a corps longer than any other one, and his name was never mentioned as having committed in battle a blunder for which he was responsible. He was a man of very conspicuous personal appearance. His genial disposition made him friends, and his personal courage and his presence with his command in the thickest of the fight won for him the confidence of the troops serving under him.'

"It would not be just to the memory of the dead or to the well-founded fame of the surviving officers of the Army of the Potomac to say that General Hancock exceeded them all in the possession of high, soldierly qualities. He commanded brigades, divisions and army corps with brilliant success, but he understood himself so well that he never aspired to the command of that great army. 'Know thyself' is one of the wisest and most useful of all of the proverbial injunctions, and General Hancock observed and obeyed it.

"I have already mentioned one incident, related by Mrs. Hancock, which illustrates the thoroughness of his self-knowledge. He knew he could command men.

‘His personal courage and his presence with his command in the thickest of the fight won for him the confidence of the troops serving under him.’ He could command men, and, in addition, had a quick eye for a battlefield. Both these strong points in his character are established by the story of his appearance in the field on the first day of the battle of Gettysburg. One of his biographers writes: ‘Beautiful as that landscape appears to the eye of the peaceful traveler it is now a scene of terror, strewn with the dead and dying and with the wreck of battle. More painful still to witness are the disorderly groups of fugitives hurrying from the field or skulking behind cover.

“Down the Baltimore road to the rear pours a stream of panic-stricken men, mixed up with led horses, artillery, ammunition wagons and ambulances loaded with the wounded.

“In front, across the valley, Seminary Ridge, on which had occurred the sanguinary battle of the morning, is bristling with the battalions and batteries of Hill’s corps; while Ewell, having seized the town with his right, is extending his left to grasp Culp’s Hill, from which he would command the road to Baltimore.

“To hold Cemetery Hill thus threatened there is a single brigade, not yet engaged, that of Colonel Orlando Smith, about one thousand strong, which had been left in reserve when Howard went forward to support Reynolds.

“Here and there remnants of other brigades have halted, unwilling to retreat farther, surveying with gloomy apprehension the fast-gathering masses of the Confederates.

“To the left, down the crest of Cemetery Ridge, the broken bands of the 1st Corps, which have done transcendent soldierly service during the long hours of the day, stand firmly in their place, to keep their position for which they had made such awful sacrifices.

“In front of them, and still further to the left, is the

one inspiring feature of the scene, Buford's splendid division of cavalry, drawn up in line of battalions, *en masse* unshaken and undaunted in the face of Confederate infantry.

“Upon this field of wreck and disorder appears Hancock.

“And, as the sun shining through a rift in the clouds may change a scene of gloom to one of beauty, so the coming of this prince of soldiers brings life and courage to all.

“At this call the braver spirits flamed to their height ; the weaker souls yield gladly to the impulse of that powerful, aggressive, resolute nature.

“At once the doubtful halt on Cemetery Hill is transformed into the confident assumption of a new line of battle ; the fearful stream adown the Baltimore road is peremptorily stopped ; shattered regiments, as they reach the hill, are reformed ; on every side men seek their colors with alacrity ; commanders rectify their lines ; ammunition is brought up ; troops are sent to occupy Culp's hill ; threatened by Ewell's divisions, skirmishers are thrown out on the front and right, batteries are planted along the crest, every position of advantage is occupied with the bravest show of force that can be made, with a view to deterring the enemy from attacking, until re-enforcements, now rapidly approaching the field, shall arrive.

“. . . An hour had sufficed to make a great change within the Union lines ; a vastly greater change as seen from the enemy's ground.

“Though not a man besides Hancock and his staff had come upon the field since Seminary Ridge was lost, Lee hesitated to give the order to attack positions naturally strong, which appeared to have been suddenly occupied by fresh troops, so brave was the show of force everywhere made.

“He instructed Ewell to feel our line on its right, but

not to bring on a general engagement. That delay saved the field of Gettysburg to the Union arms.

"I have said that Hancock had 'an eye for a battlefield.' The terms I use are not technical, but they describe a quality in an officer that every practical soldier understands. It has its application to a field like that of Gettysburg, and in a less degree to that of Chickamauga. At Gettysburg, portions of two great armies suddenly and unexpectedly collided. The Confederate forces were of necessity aggressive, while the Union army could accomplish its proposed results by a successful defensive battle.

"When he reached Gettysburg, Hancock found the position held by the Union forces menaced by startling dangers. At a glance, he saw the advantages of the position, and boldly resolved that there the great battle should be fought to determine the fate of the continent.

"The Confederate general invaded Pennsylvania for the purpose of relieving his own people from the strain of a Union army constantly menacing Richmond and producing discouragement throughout the South, and the prestige to be given the Confederate arms abroad.

"It was, at that stage of the war, a bold resolution, which nothing but positive success could vindicate. If the invasion was successful even to the extent contemplated by Lee, it might have resulted in the overthrow of the Union, but that is not probable, for the resources of the Northern States were far from exhausted. If it failed, as it did, the cause of the Confederacy would be ruined. It may be that General Lee felt that defeat, and, as Longstreet intimates, ordered the final charge at Gettysburg from feelings of sheer desperation.

"To be great, is to be equal to the requirements of great occasions, and it is to the skill, the courage and the resolute coolness of Hancock that Gettysburg was selected as a battlefield, and it is to the officers of all ranks and grades, and to the hardy, resolute courage of

the private soldiers of many states, that the country owe the crushing repulse of the Confederate forces.

“I will not intrude myself into the invidious office of inquiring whether General Hancock possessed all the qualities which are by universal consent conceded to other great commanders. It is enough to say for him, that he was great, according to that best definition of greatness, ‘he comprehended and seized great opportunities.’

“Mr. President—It is a source of satisfaction to every patriotic mind that the fame of General Hancock is cherished in all portions and sections of these now perfectly United States. No Confederate soldier envies the honors paid his memory to-day. They may compare him with Jackson, whose greatness as a corps commander is recognized, and of whose fame every American who has the instincts of a soldier is proud. They may find in the long list of Confederate officers, soldiers, some of their great names, who, in their estimation, is the equal of Hancock, but they respected him while he lived, and honor his memory now that he is dead.

“Mr. President, our civil war had its origin in opposing opinions, entertained in different states, of the relative powers of the federal government and of the states. There were also irreconcilable social and industrial conditions, and the challenge of the two great sections of the Union, addressed to the manhood of each other.

“The suppression of the doctrine of the right of any of the states to secede from the union at pleasure, and abolition of slavery, fully compensated the American people for the enormous sacrifices of blood and treasure to secure those ends. But the war had another beneficent consequence, without which the suppression of the theory of the constitutional right of the states to secede from the Union and the abolition of slavery would have been comparatively valueless. The war settled not only the quality, but the equality, of American manhood.

“I cannot say with absolute confidence that it was the

southern misconception of the martial qualities of the people of the northern states which caused them to accept, if not to invite, war for the adjustment of the pending national controversies.

“Whatever influence an impression unfavorable to northern valor may have had upon the people of the South, their orators and writers often expressed their belief that northern men were destitute of courage and would not fight.

“We in the West always intended, in the language of the times, to ‘cut our way to the gulf,’ and that the Mississippi river should ‘flow unfettered to the sea.’ But how about the men of the East—the ‘Yankees’—would they fight for the defense of the Union?

“Later, after the name was baptized in the blood of the New England regiments on every field where they fought, and was glorified by their valor, every soldier accepted it and wore it with pride.

“After Donelson, Shiloh, Murfreesboro and Chickamauga in the West, and the numerous battles in the East—including Gettysburg, the crowning struggle of the war, there remained no doubt but that Americans of all sections—North and South, East and West—were equally hardy, equally brave, and equally ready to offer their lives in defense of their convictions of right. Now that we have ceased to struggle against each other, we know with absolute confidence that the men of every section and all parts of the great Republic are equally patriotic and alike willing and ready to defend the integrity of the Union and the honor of the nation against all and every foe. Americans of all sections and of all parts of one common country now know, respect, and confide in each other, and we will transmit that sentiment of respect and confidence to our children, which will afford a sure guaranty for internal peace and the defense of national honor. But at the beginning of the strife between the sections, the officers of the army were embarrassed by difficulties of an altogether different

character. For the most part, they had been educated together in the national military school. They knew each other well, and none of them doubted the courage or resolution of the others. They were citizens of different states, and some of them were overcome by the delusion that their paramount allegiance was due to the state of their birth or of their domicile. When I characterize the theory of primal allegiance to the states as a delusion, I confess that the embarrassments of the army officers born in the seceding states were cruel.

“Mrs. Hancock tells the tale. She writes: ‘It is with sadness that I revert to those days of trial, when the hearts of some of our gallant officers were torn almost asunder by the conflicting passions of fidelity to their country and their state, the sovereignty they were educated to believe superior to all others. Full allowances must be made for the brave men of the South, who were as honest in their convictions as the bravest on the side of the Union.

“ ‘Many conferences were held in our house in Los Angeles between my husband and southern officers, who were urged by their relatives and friends to resign their commissions and offer their services to their own states, as otherwise they would be regarded as renegades throughout the South.

“They sought the advice of my husband, hoping to receive from him some comfort or encouragement, but he could give none, and would say to those dear friends, Armistead, Garnett, Pickett, and a host of others whom he loved: ‘I can give you no advice, as I shall not fight upon the principle of state rights, but for the Union, whole and undivided, as I do not and will not belong to a country formed of principalities. I cannot sympathize with you: you must be guided by your own convictions, and I hope you will make no mistakes.’

“The war very soon assumed the apparent aspect of a struggle between rival governments supported by substantially the whole population of the opposing sections

of the Union. If some of the officers of the army erred even to a criminal extent, it must not be forgotten that their homes were threatened with invasion, and they only shared the fortunes of those they loved.

“Mr. President, we stand in the presence of this appropriate monument of a hero. We do all we can to perpetuate his fame, conscious as we are that as the centuries recede, his great name will be less and less known and less and less frequently mentioned.

“The great Napoleon, realizing that though the fame of his deeds then filled the world, said near the last: ‘Ten centuries from now all that I have done will be condensed into ten pages of history.’

“We know too, that—

‘The cloud-capped towers, the gorgeous palaces,
The solemn temples, the great globe itself;
Yea, all which it inherit, shall dissolve,
And, like this insubstantial pageant faded,
Leave not a rack behind.’

“But—

‘No pyramids set off his memories,
But the eternal substance of his greatness,
To which I leave him.’ ”

CHAPTER XXXVI.

The meeting of the Democratic state committee—Democratic leadership—Douglas—Pendleton—Democratic convention of 1892—Democratic convention of 1896—Money planks in all of the platforms.

The Democratic state committee assembled in Springfield on April 5, 1892, and after some opposition on the part of Mr. Adams A. Goodrich, a member from Cook county, and Mr. Wm. S. Forman, a member of the committee who resided in East St. Louis, and others, fixed a date for a convention to be held in Springfield, on June 5th thereafter.

The purpose of the convention was to pledge the Democratic party to the free coinage of silver on the ratio of "sixteen of silver to one of gold, with the legal tender quality for all debts public and private."

The convention met and proceeded to pass resolutions committing the party to the "free coinage of silver." It was called a "snap" convention, because it took the party by surprise, and because it was wholly unnecessary. Douglas led the party to the "repeal of the Missouri Compromise," and lost the state; the Chicago convention, in 1864, committed the country to the peace policy, and, under the leadership of Mr. Geo. H. Pendleton, the party was committed to the taxation of the bonds of the United States, issued to carry on the war against the rebellion, and to pay them off in the legal tenders issued by the government, and refused to endorse the abolition of slavery by executive order, and now it was the purpose of the weak leaders to commit the party to the free silver idea.

No one pretended that it was not the purpose of the Democratic convention to make the free coinage of silver one of the articles of the creed of the party, and to en-

hance the price of silver by legislation, which was the worst form of protection.

In the course of my senatorial term I had fully committed myself to the gold standard of values. I had argued in the senate that the establishment of silver coinage on the ratio of sixteen to one, with enforced legal tender quality would cause gold, as the most precious metal, to disappear from circulation. Silver was then worth but sixty-eight cents an ounce, as compared with gold at one dollar and twenty-nine cents.

I insisted that the proposition of Mr. Cockerell, of Missouri, that "silver would rise *some* and gold would fall *some*," was illogical and untenable, because the experience of mankind was that gold would escape to where it was properly valued, and that it would be practically to establish silver as the only metal of circulation. I argued that the educational funds, which were established by law and by the benevolence of liberal persons, would be reduced in value, and that the burden would fall upon the most helpless classes.

The Democratic convention had in 1892 denounced the Republican legislation known as the Sherman Act of 1890 as a "cowardly makeshift," fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its repeal.

The convention also resolved that: "We hold to the use of both gold and silver, without discrimination against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement, or by such safeguards or legislation as shall insure the maintenance of the parity of the two metals, and the equal power of every dollar at all times in the market and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin."

The free coinage of silver was an experiment, and

proposed to raise the value of silver for the purposes of coinage to one dollar and twenty-nine cents an ounce, which was the price of gold. I regarded this as impossible and thought that the legal standard of values would be depreciated. I had said in my speech at Fairfield, Wayne county, when a candidate for the senate, that I was in favor of the free coinage of silver *if* it could be done without depreciating the standard of values. I was therefore fully committed to the Democratic platform of 1892. Under the influence of these convictions, on June 20, 1894, I wrote the letter to Mr. Webb, which I have given.

The so-called Democratic convention which met in Chicago in 1896 nominated for the presidency William J. Bryan, of Nebraska, and for the vice-presidency, Arthur Sewall, of Maine. Its platform declared :

“Recognizing that the money question is paramount to all others at this time, we call attention to the fact that the federal constitution names silver and gold together as the money metals of the United States, and that the first coinage law passed by congress under the constitution made the silver dollar the monetary unit, and admitted gold to free coinage at the ratio placed upon the silver dollar unit.

“We declare that the act of 1873, demonetizing silver without the knowledge and approval of the American people, has resulted in the appreciation of gold and a corresponding fall in the price of commodities produced by the people, a heavy increase in the burden of taxation, and of all debts, public and private ; the enrichment of the money-lending classes at home and abroad ; the prostration of industry and the impoverishment of the people.

“We are unalterably opposed to the monometallism which has locked fast the prosperity of an industrious people in the paralysis of hard times. Gold monometallism is a British policy, and its adoption has brought other nations into financial servitude to London. It is

not only un-American, but anti-American, and it can be fastened on the United States only by the stifling of that spirit and love of liberty which proclaimed our political independence in 1776 and won it in the war of the Revolution.

“We demand the free and unlimited coinage of both silver and gold at the present legal ratio of sixteen to one, without waiting for the aid or consent of any other nation.

“We demand that the standard silver dollar shall be of full legal tender equally with gold for all debts, public and private, and we favor such legislation as will prevent for the future the demonetization of any kind of legal tender money by private contract.

“We are opposed to the policy and practice of surrendering to the holders of obligations of the United States the option reserved by law to the government of redeeming such obligations in either silver coin or gold coin.

“We are opposed to the issuing of interest-bearing bonds of the United States in time of peace, and condemn the trafficking with banking syndicates which in exchange for bonds at an enormous profit to themselves supply the federal treasury with gold to maintain the policy of gold monometallism.”

The National Silver Party of America assembled in St. Louis and adopted the following declaration of principles. Its nominees for president and vice-president were Bryan and Sewall, the same as the so-called Democratic party, and resolved that :

“The paramount issue at this time in the United States is indisputably the money question. It is between the British gold standard, gold bonds and bank currency on the one side and the bimetallic standard, no bonds, government currency (an American policy) on the other.

“On this issue we declare ourselves to be in favor of a distinctively American financial system. We are un-

alterably opposed to the single gold standard and demand immediate return to the constitutional standard of gold and silver, by the restoration by this government, independently of any foreign power, of the unrestricted coinage of both gold and silver into standard coin at the ratio of sixteen to one, and upon terms of exact equality, as they existed prior to 1873; the silver coin to be of full legal tender equally with gold for all debts and dues, public and private, and we demand such legislation as will prevent for the future destruction of the legal tender quality of any kind of money by private contract.

“ . . . The demonetization of silver in 1873 enormously increased the demand for gold, enhancing its purchasing power and lowering all prices measured by that standard. And since that unjust and indefensible act the prices of American products have fallen upon an average of nearly fifty per cent, carrying down with them proportionately the money value of all other forms of property.”

The Populist National Convention met at St. Louis on July 22, 1896, and nominated for president of the United States William J. Bryan, and for vice-president Thomas Watson. I give below the money plank of their platform :

“We demand a national money, safe and sound, issued by the general government only, without the intervention of banks of issue, to be full legal tender for all debts, public and private; a just, equitable and efficient means of distribution direct to the people and through the lawful distribution of the government.

“We demand the free and unrestricted coinage of silver and gold at the present legal ratio, of sixteen to one, without waiting for the consent of foreign nations.

“We demand the volume of circulating medium be speedily increased to an amount sufficient to meet the demands of the business and population of this country,

and to restore the just level of prices of labor and production. . . .

“We demand such legislation as will prevent the demonetization of the lawful money of the United States by private contract.

“We demand that the government, in payment of its obligations, shall use its option as to the kind of lawful money in which they are to be paid, and we denounce the present and preceding administrations for surrendering its option to the holders of government obligations.”

The Republican National Convention was held at St. Louis in 1896 and nominated for president and vice-president William McKinley and Garrett A. Hobart. The financial plank of their platform was the following :

“The American people from tradition and interest favor bimetallism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt paying power of the dollar, whether of gold, silver or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its workingmen, demand that every dollar, paper or coin, issued by the government shall be as good as any other. We commend the wise and patriotic steps already taken by our government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.”

The National Democratic Convention assembled at Indianapolis on September 2, 1896, and I addressed the convention.

“Gentlemen, I have the honor for a moment to preside over the first National Democratic Convention held in the year 1896. The gavel will be in my hand but a moment. We are assembled here for lofty, noble and

patriotic purposes. Our earnest desire is to serve our country, and in the sincerity of that earnest purpose we may appeal to the Judge of all hearts. We may appeal to the Great Master, to the Great Governor, and I beg of you now to listen to an invocation from Bishop White, of the Diocese of Indiana."

. . . The convention adopted the following platform with regard to the financial issues :

"This convention has assembled to uphold the principles upon which depend the honor and welfare of the American people ; in order that Democrats throughout the Union may unite their patriotic efforts to avert disaster to their country and ruin from their party.

" . . . The declarations of the Chicago convention attack individual freedom, the right of private contract, the independence of the judiciary and the authority of the president to enforce federal laws. They advocate a reckless attempt to increase the price of silver by legislation to the debasement of our monetary standard, and threaten unlimited issues of paper money by the government. They abandon for Republican allies the Democratic cause of tariff reform, to court the favor of protectionists. In view of their fiscal heresy and other grave departures from Democratic principles, we cannot support the candidates of that convention, nor be bound by its acts. The Democratic party has survived many defeats, but could not survive a victory won in behalf of the doctrine and policy proclaimed in its name at Chicago. . . . We arraign and condemn the populistic conventions of Chicago and St. Louis, for their co-operation with the Republican party in creating these conditions which are pleaded in justification of a heavy increase of the burdens of the people by a further resort to protection. We therefore denounce protection and its ally, free coinage of silver, as schemes for the personal profit of a few at the expense of the masses, and oppose the two parties which stand for these schemes as hostile to the people of the republic whose food and shelter, com-

fort and prosperity, are attacked by higher taxes and depreciated money. In fine, we affirm the historic Democratic doctrine of tariff for revenue only. . . . The experience of mankind has shown that by reason of their natural qualities, gold is the necessary money of the large affairs of commerce and business, while silver is conveniently adapted to minor transactions, and the most beneficial use of both together can be insured by the adoption of the former as a standard of monetary measure and the maintenance of silver at a parity with gold by its limited coinage under suitable safeguards of law. Thus the largest possible enjoyment of both metals is gained with a value universally accepted throughout the world, which constitutes the only practical bimetallic currency, assuring the most stable standard, and especially the best and safest money for all who earn their livelihood by labor or the product of husbandry. They cannot suffer when paid in the best money known to man, but are the peculiar and most defenseless victims of a debased and fluctuating currency, which offers a continual profit to the money changer at their cost.

“Realizing these truths, demonstrated by long public inconvenience and loss, the Democratic party, in the interest of the masses, and equal justice to all, practically established by the legislation of 1834 and 1853 the gold standard of monetary measurements, and likewise entirely divorced the government from banking and currency issues. To this long established Democratic policy we adhere, and insist upon the maintenance of the gold standard, and of the parity of every dollar issued by the government, and are firmly opposed to the free and unlimited coinage of silver and the compulsory purchase of silver bullion. But we denounce also the further maintenance of the present costly patch-work system of the national paper currency as a constant source of injury and peril. . . .

“The fidelity, patriotism and courage with which

President Cleveland has fulfilled his great public trust, the high character of his administration, its wisdom and energy in the maintenance of civil order and the enforcement of law, its equal regard for the rights of every class and every section, its firm and dignified conduct of foreign affairs, and its sturdy persistence in upholding the credit and honor of the nation, are fully recognized by the Democratic party, and will secure to him a place in history beside the fathers of the republic. . . .

“The Democratic party ever has maintained and ever will maintain the supremacy of the law, the independence of its judicial administration, the inviolability of contract and the obligation of all good citizens to resist every illegal trust, combination and attempt against the just rights of property and the good order of society, in which are bound up the peace and happiness of our people.”

At this convention, I was nominated as a candidate for the presidency, and General Simon Boliver Buckner was selected as the candidate for the vice-presidency.

At the Auditorium building, in the city of Louisville, Kentucky, on the 12th day of September, 1896, we were formally notified of our candidacy to the presidency and vice-presidency, by Senator Caffery, of Louisiana, and Colonel John R. Fellows, of New York, who has since died.

Previous to that time, letters had been received from President Cleveland and Secretary Carlisle, and other prominent Democrats, approving the platform and reasserting the principles of the party. In my speech of acceptance, I said, concerning the declarations of the Indianapolis convention :

“Its platform asserts truths which can be demonstrated, and it correctly defines Democratic principles. It asserts that the Democratic party is pledged to equal and exact justice to all men of every creed and condition ; to the largest freedom of the individual consistent with good government ; to the preservation of the federal government in its constitutional vigor, and to the support of

the states in all their just rights ; to economy in the public expenditures ; to the maintenance of the public faith and sound money ; and it is opposed to paternalism and all class legislation. It also asserts that the declaration of the Chicago convention attacks individual freedom ; the right of private contract ; the independence of the judiciary, and the authority of the president to enforce federal laws. They advocate a reckless attempt to increase the price of silver by legislation, to the debasement of our monetary standard, and threaten the unlimited issue of paper money by the government ; they abandon, for Republican allies, the Democratic cause of tariff reform, to court the favor of protectionists to their fiscal heresy. It then asserts with earnestness, and in terms which will not satisfy those who assert it, to be the duty of a Democrat to 'first vote the ticket, and then read the platform.' That, in view of these and other grave departures from Democratic principles, we cannot support the candidates of that convention, nor be bound by its acts.

. . . The advocates of the free coinage of full legal-tender silver do not agree as to what will be the consequences of the adoption by the United States of their favorite measure. The more intelligent know that it is impossible by law to give to silver bullion, or silver coin, a local value in the United States, and, therefore, Mr. Bryan, who must be regarded as the official interpreter of the free-silver dogma, asserts his belief that the unlimited coinage of legal-tender silver by the United States alone would increase the value of silver bullion, which to-day is worth sixty-seven cents per ounce to one dollar and twenty-nine cents, and he asserts his belief that under unlimited coinage the silver dollar containing four hundred and twelve and one-half ($412\frac{1}{2}$) grains standard silver, coined by the authority of the United States, would be of equal acceptability and value with the dollar containing twenty-five and eight-tenths (25.8) grains of standard gold in all the markets of the world. It is something that this opinion has no support in the experi-

ence of mankind. It is enough for present purposes to say it has no foundation other than the confident assertions of those who share in that belief. No party in the country ever undertook so much as do the advocates of the unlimited coinage of silver. They not only undertake to maintain the commercial parity in value of about four hundred and thirty thousand five hundred and two dollars and forty-one cents silver (\$434,502.41) already coined by the United States under the authority of the acts of February 28, 1878, and of July 19, 1890, and of all the silver dollars that hereafter may be coined, but they assume the task of advancing the value of the silver coin of all the nations of the world to an equal acceptability and value with coins of gold. If the expectations of such of the advocates of free coinage of silver are realized, it would be difficult upon their own premises to perceive what would be gained by cheap money. Accepting their claim, that under free coinage the dollar of silver would become of equal acceptability and value, and equal power in the markets and in the payment of debts throughout the civilized world, the silver dollar would then be as difficult to procure as the gold dollar now is. They claim now that the dollar of gold has too much purchasing power, and is too difficult to obtain.

“But the real expectation of the great body of the supporters of the free coinage of silver, and one much more in harmony with the experience of mankind, is, that the unlimited coinage of silver would give to the country a depreciated and cheaper dollar, which would enhance nominal values and be used in the payment of debts, but would be attended and followed by the ruin of all industries, the destruction of public and private credit, and irreparable mischiefs.

“Our platform commits us to the maintenance of the Democratic faith. Many of our associates, deluded by deceptive sophistries, are supporting a coalition which disavows the traditional faith of the Democratic party.

The best we can hope for them is that they may be defeated, and when defeated, that they may return to the safe paths that they have heretofore trodden."

After having been notified of our nomination, I returned to Springfield and remained until later in the month, when I met General Buckner in New York City. We addressed a large audience in Madison Square Garden. Accompanied by several leading Gold Democrats, I went to Brooklyn, and there spoke upon the issues of the day. We again addressed the people in Baltimore and Philadelphia. I then returned to my home, stopping for a few days in Washington with my daughter, Mrs. E. G. Crabbe.

CHAPTER XXXVII.

Visit to Galesburg—Address on Lincoln and Douglas—Met General Buckner at Chicago—Begin the canvass—Home of Don Dickinson—Visit Cincinnati.

On October 7, 1896, I visited Galesburg, and with Mrs. Palmer was hospitably entertained by Mrs. Philip S. Post, who, with her son and daughter, gave us a hearty welcome. Mrs. Post was the widow of the former member of congress from that district, who was also colonel of the 59th Illinois Infantry, which had played so important a part in the battle of Chickamauga. My visit to Galesburg was by invitation of President Finley, of Knox College. The occasion was commemorative of the great debate between Lincoln and Douglas, which occurred on the same platform and on the same day in 1858. Amongst those upon the platform were Robert T. Lincoln, Hon. Chauncey Depew, General Clark E. Carr and Dr. Newton Bateman, who soon after passed from this world, where he had lived a long and useful life, beloved by all who knew him.

Addresses were made by Robert Lincoln and Mr. Depew. My own was a comparison of the two great leaders, which is given below :

“ORATION OF HON. JOHN M. PALMER, DELIVERED AT GALESBURG, ILL., OCTOBER 7, 1896.

“It is too early even now for an impartial review of the great debate, which commenced at Ottawa on the 21st of August, and was continued at Freeport on the 27th, at Jonesboro on the 15th of September, at Charleston on the 18th of the same month, at Galesburg, October 7th, Quincy, October 13th, and which ended at Alton on October 15, 1858.

“The places I have mentioned were the mere points

of contact between these two great leaders as they traversed the state. In the intervals between their former meetings, both of them addressed large popular assemblies in different parts of the state, and in that manner continued the discussion of the questions of the day, until the people were fully aroused, and watched this battle of the giants with the most profound and absorbing interest.

“I have said that it is too early for an impartial review of the ‘debate of 1858,’ for though thirty-eight years have elapsed since the historic meeting of Lincoln and Douglas, which occurred on this spot, some of the subordinate actors in the drama of that year still survive, while some of them preceded Douglas into the land of shadows, and did not live to hear his words of burning patriotism, when with transcendent eloquence, he pleaded with his countrymen to save the states from disintegration, and the Union under the constitution, from subversion.

“Others of their hearers died under the flag, in the hospitals or on the battle-fields, and did not witness the tragedy of the 14th of April, 1865, or share in the almost despairing gloom which that event cast upon the country. Still others have fallen by the wayside, and the days and years have passed, and now a few, ah, how few, linger, as if reluctant to quit the stage. After awhile, when all of them are gone, the historian will with judicial accuracy arrange his pitiless facts, and then, and not until then, will the world be given a calm and impartial review of the great debate of 1858, with all of its attendant characteristic circumstances. Still, on this occasion, without injustice to the memory of the dead, and without risk of wounding the sensibilities of the living, I may contribute something to the picture which this assemblage is intended to recall and commemorate.

“The personnel of Douglas and Lincoln are almost as well known to the people of Illinois as to their contemporaries. It is difficult to imagine men more unlike in their

origin, their education, their intellectual and personal habits and appearance. Mr. Douglas was of New England birth, had the advantages afforded by the public schools of his native state, and had some share of classical training. He came to Illinois and found employment as a teacher.

“Mr. Lincoln was born in Kentucky, where at that time public schools were unknown. His opportunities for mere elementary education were of the most humble character. The story of his earlier years is familiar and I will not repeat it. It is the history of a life commenced under most unfavorable circumstances, and its lesson is that under American institutions eminence is attainable by the most humble.

“I became acquainted with Mr. Douglas in the month of June, 1838, when he was a candidate for a seat in the second branch of congress of the United States. The district he sought to represent included Quincy and Chicago, Danville and Rock Island, Springfield and Galena.

“At that time Illinois was entitled to but three members of ‘the house,’ and the population, as shown by the preceding census, made it proper to provide two districts in Southern Illinois, and but one for the whole northern half of the state. I heard Mr. Douglas the day after our first meeting in 1838, and was impressed with his remarkable power as a popular orator. My subsequent acquaintance with him ripened into the most profound respect for his great abilities.

“In December, 1839, when I visited Springfield to obtain admission to the bar, he took charge of my application, obtained an order for the appointment of a committee, consisting of himself and Jonathan Young Scammon, a name venerable in law, to examine me touching my qualifications to practice as an attorney and counselor at law, made a favorable report, wrote my license, obtained the signature of two of the judges of the supreme court, handed me the license, and congratulated me on

my entry upon what he called 'the honorable profession of the law.'

"It can be readily imagined that from that time until political events separated us I was his devoted follower, always ready and eager to serve him.

"In December, 1839, while in Springfield on the errand I have just mentioned, I saw Abraham Lincoln for the first time, but not under circumstances favorable to the formation of intimate personal or political relations between us. He came into the building occupied by the second branch of the legislature, and made what was called in the language of the times, 'a Whig speech,' in which he assailed the Democratic party with great severity. Although at that time the Democratic party in Illinois held all the departments of the state government, there were even then rumblings of the storm which came in 1840.

"Under the provisions of the constitution of 1818, which was in force until superseded by that of 1848, the executive officers of the state government (with the exception of the secretary of state, who was appointed by the governor), the judges of the courts, the attorney-general and the state's attorney were elected by the legislature in joint session. The party leaders therefore attended the legislative sessions, and the 'lobby,' as it was termed, was the theater of their eloquence.

"I there heard Alexander P. Field, who afterwards left the state and died in New Orleans; Abraham Lincoln; E. D. Baker, who fell at Ball's Bluff during the late civil war; O. H. Browning, late secretary of the interior, for the Whigs; and Stephen A. Douglas, John Calhoun, Isaac P. Walker, afterwards senator from Wisconsin, Democrats. They were all stars of the first magnitude. But I even then imagined that the respective parties relied upon Lincoln and Douglas as the pillars of their strength.

"Mr. Lincoln, in the speech I heard him deliver, on the occasion I have mentioned, surprised me by his

ability and by his apparent logical frankness. He seemed to concede to his adversary almost everything he could claim, but I observed that he always found means to escape the effect even of his own concessions. His language was simple, but exact. His statements were clear, and his arguments must have given great satisfaction to the party he represented. He asserted his propositions with firmness and supported them in the most effective manner.

“Mr. Douglas was then, as afterwards, aggressive, bold and defiant. He was quick to perceive the strong as well as the weak points of his adversary. He approached the strong with caution, but assailed the weak ones with irresistible force. Nor was he mistaken in the strength of his own positions. He invited attack upon those that were impregnable, but covered the weak ones with marvelous ingenuity.

“These were my estimates of Lincoln and Douglas, made perhaps as early as 1839, but were corrected and matured by subsequent acquaintance.

“The annexation of Texas, in 1845, and the acquisition of the large territories gained by the United States as the result of the war with Mexico, gave in some quarters a new importance to the subject of slavery.

“The sectional strife which that subject occasioned was, as was believed, or hoped rather than believed, settled by the passage by congress of what were called ‘the compromise measures of 1850.’

“Both the great parties pledged themselves by the action of their national conventions, in 1852, to maintain ‘the compromise of 1850’ as a final and satisfactory settlement of the question of slavery in the United States. No one exerted himself more earnestly and efficiently than did Mr. Douglas to secure the adoption by congress of the so-called ‘compromise,’ and the result was most favorable to the Democratic party, of which he had become one of the national leaders. His supporters in Illinois hoped for his nomination as

the Democratic candidate for the presidency in 1852, but he was defeated by the almost unknown Franklin Pierce. The Democrats won an overwhelming victory in the November election of that year. Winfield Scott, the Whig candidate, who was the foremost American soldier then living, was defeated.

“But the permanent success of the Democratic party was destroyed by an event which was intended to insure its predominance.

“Mr. Douglas, then a senator from Illinois and chairman of the senate committee on territories, early in January, 1854, reported a bill for the organization of the territory of Nebraska. From the report accompanying the bill he said: ‘The principal amendments which your committee deemed it their duty to commend to the favorable action of the senate, in a special report, are those in which the principles established by the compromise measures of 1850, so far as they are applicable to territorial organizations, are proposed to be affirmed and carried into practical operation within the limits of the new territory.’

“With a view of conforming their action to what they regard as the settled policy of the government, sanctioned by the approving voice of the American people, your committee had deemed it their duty to incorporate and perpetuate, in their territorial bill, the principles and spirit of those measures. If any other considerations were necessary to render the propriety of this course imperative upon the committee, they may be found in the fact that the Nebraska country occupies the same relative position to the slavery question as did New Mexico and Utah when those territories were organized.

“It was a disputed point whether slavery was prohibited by law in the country acquired from Mexico. On the other hand, it was contended, as a legal proposition, that slavery having been prohibited by the enactments of Mexico, according to the law of nations, we re-

ceived the country with all its laws and local institutions attached to the soil, so far as they did not conflict with the Constitution of the United States, and that a law either protecting or prohibiting slavery was not repugnant to that instrument, as was evidenced by the fact that one-half of the states of the Union tolerated, while the other half prohibited, the institution of slavery. On the other hand, it was insisted that, by virtue of the Constitution of the United States, every citizen had a right to remove to any territory of the Union, and carry his property with him under the protection of the law, whether that property consisted of persons or things. The difficulties arising from this diversity of opinion were greatly aggravated by the fact that there were many persons on both sides of the legal controversy who were unwilling to abide the decision of the courts on the legal matters in dispute. Thus among those who claimed that the Mexican laws were still in force, and consequently that slavery was already prohibited in these territories by valid enactments, there were many who insisted upon congress making the matter certain by enacting another prohibition. In like manner, some of those who argued that the Mexican law had ceased to have any binding force, and that the constitution tolerated and protected slave property in those territories, were unwilling to trust the decision of the court upon the point, and insisted that congress should, by direct enactment, remove all legal obstacles to the introduction of slaves into the territories.

“Your committee deem it fortunate for the peace of the country and the security of the Union that the controversy then resulted in the adoption of the compromise measures, which the two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the world as a final settlement of the controversy and an end of the agitation. A due respect, therefore, for the avowed opinions of other senators, as well as a proper sense of patriotic

duty, enjoins on your committee the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments, of that adjustment, in all their territorial bills, so far as the same are not locally inapplicable. These enactments embrace, among other things less material to the matters under consideration, the following provisions :

“When admitted as a state, the said territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission.

“That the legislative power and authority of said territory shall be vested in the governor and a legislative assembly.

“That the legislative power of said territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act ; but no law shall be passed interfering with the primary disposal of the soil ; no taxes shall be imposed upon the property of the United States ; nor shall the land or other property of nonresidents be taxed higher than the lands or other property of residents.

“Mr. Douglas afterward offered an amendment to the bill, which referred to the Missouri Compromise, and declared, ‘which, being inconsistent with the principle of non-intervention by congress with slavery in the states and territories as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any territory or state nor exclude it therefrom, but to leave the people thereof perfectly free to frame and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.’

“The proposition to repeal the Missouri Compromise, or declare it void, because of its opposition to the compromise measures of 1850. They yielded to that measure, the fugitive slave law, only to discharge their obligations

under the constitution ; but when it was proposed to repeal the compromise of 1820, or declare it inoperative because of its supposed conflict with the compromise of 1850, they were astounded. They had accepted the compromise measures of 1850 as a supplement to that provision of the compromise of 1820 which excluded slavery from the territories of the United States north of thirty-six degrees and thirty minutes. No one can doubt that Mr. Douglas, in his action upon the Kansas-Nebraska bill, committed the tactical mistake of his lifetime. He relied upon the strength of purely partisan organization. He did not understand, what he afterward found to be true, that the questions he had raised were of the most dangerous character, and would destroy the Democratic party.

“The language of his amendment to the Nebraska bill presented a conundrum of almost impossible solution. It declared that it was not the intention of the act to introduce slavery into any state or territory, or to exclude it therefrom, but to leave the people thereof perfectly free to regulate their own institutions in their own way, subject only *to the Constitution of the United States*.

“No man was more capable of defending this most remarkable provision than was Mr. Douglas. I have mentioned my acquaintance with him up to and including 1839. He had occupied public positions, embracing twelve years in the senate of the United States, and was unmistakably a popular leader, who, up to that time, had no peer in the state.

“Mr. Lincoln, on the other hand, had devoted himself to the practice of his profession. His habits and his methods of reasoning had been formed in the courts, where exactness of statement and clear and consistent arguments were necessary. It was apparent to men who were acquainted with Mr. Douglas and Mr. Lincoln when the controversy in regard to the Nebraska

bill commenced, that they would be the leaders in the struggle.

“I have observed before, that as early as 1839 the leaders of the Whig and Democratic parties looked to Douglas and Lincoln as the pillars of their strength. They were undoubtedly natural rivals. I am unable to say, from anything I know, how far mere personal associations and possible social asperities may have whetted the spirit of antagonism between them. In 1835, Mr. Lincoln was a candidate for a seat in the senate of the United States, but at the subsequent session of the legislature he was defeated. His conduct on that occasion only added to his strength as a popular leader, and gave him the confidence of a small party in the legislature—‘The Anti-Nebraska Democratic Party.’

“Mr. Lincoln had personally appeared in the joint session of the legislature when an election for senator was pending, and urged his friends to vote for Mr. Trumbull. That act of personal disinterestedness gave him a claim upon the ‘Anti-Nebraska Democracy,’ which they were fully prepared to redeem in the contest of 1858. In 1856, he was present at Bloomington, and made a speech which, though it has not been preserved, was one of remarkable power.

“The language with which his nomination was accompanied was emphatic. It declared him to be not only the candidate, but the only candidate, of the Republican party for a seat in the senate of the United States. Thus endorsed and supported, he met Mr. Douglas as his accredited adversary. The correspondence which led to the debate of 1858 is so familiar to the people of the state that I omit it. It was preliminary to the meeting of Douglas and Lincoln at Ottawa, on August 21, 1858.

“Perhaps, at this point, it may be well to present my estimate of Mr. Douglas and Mr. Lincoln as they appeared to me just before the time of their meeting at Ottawa. I think it is impossible to overestimate Mr.

Douglas as a popular orator. I have stated before that he was bold, aggressive and defiant ; that no man better understood the strength or the weakness of his own position, and no man could, with more skill, frame the issues upon which he had determined to conduct his canvass.

“Judge Allen, of the district court of the United States for the southern district of Illinois, who was an earnest friend and supporter of Judge Douglas, said to me in a recent letter : ‘Judge Douglas was the *beau ideal* orator, statesman and politician of the young Democrats of the the state at that time, and easily the first in the estimation of all members of the party in Illinois, without reference to age or circumstances.

“‘Judge Douglas, as you know, always mapped out his own campaign, framed his own issues and supported them with unequalled power. His speech from the balcony of the Tremont House, in July of that year, was on lines drawn by himself, and from them he never deviated substantially until the contest closed, resulting in his success.’

“Mr. Lincoln, on the other hand, accustomed, from his professional habits, to accurate reasoning, was compelled from the necessities of his situation to exert himself to force Judge Douglas to a definition of the real meaning of the Nebraska bill, and to a clear statement of his own opinion of the effect of the Constitution of the United States in its operations upon the territories with respect to the admission of slavery. To that result he directed all his efforts. How well he succeeded will appear from Mr. Douglas’s speech at Freeport.

“It will be observed further in the progress of this debate that Mr. Douglas professed absolute indifference to the extension of slavery into the territories. He seemed only anxious that the white people of the territories should exercise their own judgment upon that question, and appeared to be oblivious to the fact that the public mind had reached the condition that the existence of

slavery in Kansas and Nebraska had become one of the great sectional points of controversy.

“From this point I will consider the several speeches made by Mr. Douglas and Mr. Lincoln (commencing on August 21st, at Ottawa, and terminating at Alton, October 15, 1858), simply with reference to the great qualities of those two eminent men. I ought further to remark that some of the questions considered by them were disposed of by the civil war, to which it is not too much to say, the debate may be regarded as the mere preliminary.

“Slavery no longer exists in the United States; therefore it must be held that upon that question the views of Mr. Lincoln have prevailed over those advanced by Mr. Douglas. There is no doubt but that the public conscience of Illinois, even as early as 1858, revolted against the theories of Mr. Douglas as to the right of all men to liberty and equality before law. In addition to that, Judge Douglas evidently entertained expectations of future political advancement which could only be secured by the harmony and unity of the Democratic party.

“In order to promote that end he seized hold of the doctrine of popular sovereignty, largely modified by the constitutional theory of the rights of the states, two propositions irreconcilable and diverse in their influence upon the slavery question. The right of the states in which slavery then existed to maintain slavery and defend it by their constitutions and their laws was admitted by both parties to the great debate. The equality of the states, as asserted by Mr. Douglas, carried with it consequences that were at no time defined with such accuracy as to prevent the mischievous consequences that all were equal in the territory, and every right of property recognized by the states, attended citizens of the several states in emigrating to new territorial acquisition.

“Undoubtedly Mr. Douglas felt the difficulties of his position, and he exhibited the highest qualities as a de-

bater in eluding his logical embarrassments. Mr. Lincoln pressed those apparent inconsistencies upon him with great force, and there are but few better examples during the history of oratory than are afforded by these remarkable debates.

“Still it will be perceived that as the debates progressed the real points of controversy, not only between Douglas and Lincoln as rival candidates, but the issues between the sections of the Union, the supporters and the assailants of slavery were found and defined.

“I have said that Mr. Douglas was embarrassed by what was apparent to all, the difficulty of harmonizing what may be justly called the Northern and Southern Democratic view of the system of slavery.

“He himself, in his report upon the Nebraska bill, had stated the different views entertained by different parties in different sections of the Union. He sought to find ground for a new compromise of the slavery question, and he supposed he had done so in the doctrine which he asserted, of the right of the people to regulate their own institutions in their own way, subject only to the Constitution of the United States; or, as he stated the same doctrine in his Alton speech, that ‘the people of the territory, like those of the state, shall decide for themselves whether slavery shall or shall not exist in their limits.’

“This statement of the doctrine by no means solved the difficulty nor did it meet the public judgment. It was still a subject of popular inquiry; what is the true and proper construction of the Constitution of the United States with reference to the existence of slavery in the territories? It was asked, can the people, by the action of the territorial legislature, admit or exclude slavery from the territories? Or, is it the true interpretation of the constitution, that while the territories remain common property, the constitution carries slavery into the territory as incidental to the rights of the states in which slavery existed? Mr. Douglas was never able to answer

that, and similar questions to the satisfaction of the popular mind.

“In the Freeport speech, in reply to the question propounded to him by Mr. Lincoln, he maintained that even though slaves under the constitution might be carried into the territories, friendly legislation might be adopted for the protection of the institution, or it could be excluded by the failure of the territorial legislature to provide police regulations for its protection.

“These views advanced by Mr. Douglas satisfied neither of the parties to the controversy. The pro-slavery party (I use now a term long since obsolete) were not satisfied, and denounced the doctrine among unfriendly legislation, as being as objectionable to the assertion of the right to exclude slavery from the territories by local legislation; while to the anti-slavery party, the theory that slaves could be taken into the territories and retained there until excluded by territorial action, practically yielded the whole question. A careful reader of the speeches of Mr. Douglas delivered during the great debate will perceive the difficulties which surrounded him, and observe the remarkable argumentative strength he exhibited in his attempt to reconcile propositions so embarrassing.

“After the Freeport speech, the positions of Mr. Douglas and Mr. Lincoln were changed. At Ottawa, Mr. Douglas was the assailant, and undoubtedly the speeches there terminated to Mr. Lincoln’s disadvantage.

“At Freeport, Mr. Douglas was driven to definitions, and from that time forth Mr. Lincoln took the offensive. It has been said by a great military writer that a purely defensive war is rarely successful; and so it is in great intellectual contests.

“In 1858, slavery in the United States reached its greatest strength. It was even then condemned in the northern states of the Union, not only as a wrong in itself, but it had come to be feared as a menace to the peace and integrity of the Union. In the South, many

opposed the institution on moral grounds, while still other practical men had reached the conclusion that as a system of labor it was wasteful, and, as compared with modern methods of industry, no longer profitable. These considerations greatly increased the embarrassment of Mr. Douglas. From his great eminence as a party leader, his contest with Mr. Lincoln was closely observed by political leaders in all parts of the country.

“Mr. Buchanan and his cabinet did not conceal their desire for his overthrow. The southern leaders were prepared to be dissatisfied with whatever course he might think proper to pursue, and perhaps nothing in our political history can be found to equal the magnificent struggle made by him in the last and greatest battle of his life.

“Mr. Lincoln entered upon the contest of 1858 without the fullest confidence of even his own supporters. I remember the trepidation of the anti-slavery party, occasioned by his celebrated declaration that ‘a house divided against itself cannot stand.’ It was expected by many of those who desired his success that he would fail in his contest with Douglas, and it was only after repeated essays which he had given of his power that he established himself in the full confidence of his supporters. I think it is apparent in the earlier speeches of Mr. Lincoln that he felt the want of the full confidence of his party adherents, and I think it can be perceived that he grew bolder as he became more conscious of his own power and received a larger share of the confidence of his friends. I trust, in what I have said, as well as what I will say hereafter, I have kept within the line of just and proper appreciation of the intellectual and logical forces exhibited by these great leaders of the contest of 1858. I knew them both and esteemed them both, although I confess that, while the preliminaries of the discussion were being arranged, I doubted Mr. Lincoln’s ability to cope with Mr. Douglas.

“That series of discussions, which I have called a

mere continuous debate, is historic, and it made history. Mr. Douglas, who had been the idol of the Democracy of Illinois, and was without doubt the greatest man of his party in the United States, yielding to the influences which surrounded him at Washington, and forgetful of what he so well said on another occasion, 'I never knew the Democratic party to fail in one of its principles, out of policy or expediency, that it did not pay the debt with sorrow,' attempted that which is always dangerous to a political party which is in the possession of power—he attempted to make a new issue for the consideration of American people. If it had been possible at that time to have made the question of slavery in the states, or of its extension, by the occult force of the constitution, into the territories, and had it admitted of exact definition and a clear declaration of its purposes, it might have succeeded; but it was apparent, even in 1858, that what was known as the slave power was determined to defend that system, even to the extent of the overthrow of the Union, and the North was aroused and equally determined that slavery in the United States should never be allowed to enter any of the territories. Between parties thus resolved, no compromise was possible, no makeshift, no scheme could be devised which would state the recognized propositions of the sections. In 1858, Mr. Lincoln by no means satisfied the extreme men who considered themselves to be his supporters, in that he failed, as much as Mr. Douglas did, to satisfy the southern element of his own political party. The debate defined the real points of difference between the advocates and opponents of slavery extension; it disclosed the chasm which separated sections.

“Mr. Douglas succeeded in securing a re-election to the senate; Mr. Lincoln, as the result of his part in the discussion, became the leader of a great and powerful party. Mr. Douglas, disappointed in his expectations of the presidency in 1860, accepted the result of the election of his successful rival, and when the seces-

sionists attempted to overthrow the Union he became the champion of the national union. His speeches in Illinois in 1861 were magnificent in their power; they were sublime in their patriotism; and he died in June, 1861, giving his last words and his last thoughts to his country. Mr. Lincoln was elected to the presidency, was called by the American people to lead them out from the domination of an arrogant section; he was true to his mission and died the death of a martyr. He said to me once: 'I have no policy, my hope is to serve the Union; I do the best I can to-day with the hope that when to-morrow comes I am ready for its duty.' "

"We proceeded to Chicago on the 8th of October and witnessed the procession of the 'Sound Money' men from the balcony of the Palmer House. We met General Buckner there and left that night for Lansing, Grand Rapids and Detroit, arriving there on Sunday morning and were entertained until Monday night at the delightful home of the late Postmaster-General Don Dickinson. We proceeded thence to Cincinnati, and from there to Louisville and Nashville, where I learned an important fact which demonstrated the wisdom of the course I had adopted in September, 1862 (as has been mentioned), in arresting citizens in the streets of Franklin, Tenn., and holding them as hostages for the safety of my train and stragglers. Colonel Marshall, son of the old lawyer John Marshall, with whom I became acquainted on this trip, told me that the Rebel cavalry was formed and ready to make an attack on my trains, which consisted of one hundred and fifty wagons, but when they were told that I had taken twenty citizens as hostages for the good conduct of the people of that village they forbore to attack the train. He said, however, that 'the whisky suffered' when the hostages got back. I have told in another chapter the story of Major Scarrett arresting a group of citizens. I only knew there was no attack, and the people and the wagons passed through Franklin safely.

We spoke in Columbia and Pulaski to many people, and at Birmingham at a noonday meeting. We spoke at Mobile and New Orleans, and everywhere in the South were received with respect and hospitality.

“While in Jackson, Mississippi, I learned that the process of selecting voters in that state was for the registration officers to give to a white man whose literary qualifications were supposed to be ‘shady’ the benefit of interpreting a clause in the federal constitution, which means no more than that the ‘right of trial by jury shall remain inviolate,’ with the suggestion that if accused of crime he had a right of trial by jury.

“While to a negro was given the following clause: ‘No state shall pass *ex-post facto* law, nor a law impairing the obligations of contracts;’ of which one negro said, when asked if he understood the clause, ‘Yessah, it means white man can vote, and nigger can’t.’ The amended constitution of North Carolina has, I understand, a similar provision.

From New Orleans we returned to Chicago by way of Illinois Central Railroad. At Chicago I separated from General Buckner in order to attend the funeral of Rev. George Stevens, my brother-in-law, who lived at Bloomington.

“General Buckner afterwards visited Milwaukee and spoke at many points in Wisconsin, and I rejoined him at Saint Paul, Minnesota. After speaking there and at Minneapolis we came to Omaha and across Iowa, delivering addresses at Ottumwa, Mt. Pleasant (where notwithstanding a heavy rain we were hospitably entertained) and Burlington, and from there to Kansas City by the way of Hannibal, Fayette and Sedalia. At this place General Buckner left me as he had an engagement to go to Louisville. I spoke at Warrensburg and Kansas City and returned to St. Louis, witnessed the parade of the ‘Sound Money’ men in that city and in the evening spoke to a large audience in the exposition building.

“On November 4, 1896, the questions which had been



JOHN M. PALMER

TAKEN, APRIL, 1899.

discussed were settled at the polls, and William McKinley was elected president of the United States. There is no doubt but that the National Democratic party played an important part in this campaign. It was our mission to preserve the integrity of the Democratic principles. We declared the true Democratic doctrines in the platform adopted at Indianapolis and in all our public utterances we sustained them. We received but 130,000 votes but we gave direction to a public sentiment which led to the election of Mr. McKinley. The 'slave power had reached the maximum of its strength in 1856;' and the dogma of 'free silver coined at the ratio of sixteen to one' will be banished from Democratic platforms with the defeat of Mr. Bryan."

CHAPTER XXXVIII.

Anniversary of the Bloomington Convention of 1856—Old politics—Deaths.

On May 29, 1900, I attended the forty-fourth anniversary of the Bloomington convention. It was a memorial occasion, and was held at Bloomington, Illinois, under the auspices of the "McLean County Historical Society."

The convention of 1856 amounted in fact to the first Republican state convention, but was called by those opposed to the Nebraska bill.

It was a combination of delegates from the different counties of the state and a mass meeting, for many men took part in the convention who were not delegates.

I was the president of that convention, and, upon invitation of Messrs. Geo. P. Davis and E. M. Prince, I attended the memorial meeting.

Until the suggestion of the anniversary meeting, I had no idea that death had called so many of my friends and associates. I knew that Bissell, who was nominated by the convention for governor; Hoffman, nominated for lieutenant-governor, and afterwards found to be ineligible, and was succeeded by John Wood in his candidacy; O. M. Hatch, who was nominated for secretary of state; Jesse K. Du Bois, for auditor; James Miller, for treasurer, and Wm. H. Powell, superintendent of public instruction, were dead. I knew that Judd and Cook, Allen and Baker, elected as Anti-Nebraska Democrats, with myself, to the general assembly in 1854, and who held the balance of power in the election of a senator in 1855, no longer lived. I knew that Owen Lovejoy, John F. Farnsworth, Archibald Williams, O. H. Browning and Richard Yates had passed away. I knew that Abraham Lincoln, the principal figure of that convention, had been

assassinated, but I was not prepared for so many deaths among the delegates and those who visited the convention.

Delegates were appointed to the Republican convention, which was to be held at Philadelphia, at which John C. Fremont and Wm. M. Dayton were nominated for the presidency and vice-presidency.

As a delegate, I attended the national convention ; my personal associates were : Mr. Geo. Schneider, who survives ; General W. H. L. Wallace, killed at the battle of Pittsburg Landing ; Dr. Arnold and Harvey C. Johns, both of whom died at their homes—Dr. Johns, within the last year.

At this memorial meeting, we called the roll of the convention of 1856, but echo answered to most of the names called.

We had with us : B. F. Shaw, Thomas J. Henderson, Dr. Wm. Jayne, James M. Ruggles, Paul Selby, and a few others ; and we knew that John H. Bryant, of Princeton, still survives, burdened with age. We heard of a delegate from Pike county, who had removed to Missouri. A paper from J. L. Morrison, of Morgan, was read by his son-in-law, the son of a delegate from Pike county, Dr. Thomas Worthington ; also, a paper from John G. Nicolay, who represented Pike county as a delegate, and is now a resident of Washington City. The meeting of the survivors of 1856 was devoted to the discussion of *old politics*. How wonderful are the changes between the political issues of that day and the present. At that time, the slave power had reached the maximum of its strength ; it threatened to invade the state and territories which were declared free by the Missouri compromise act of 1820.

The convention at Bloomington adopted a platform which asserted the power of congress to prohibit slavery in the free territories, and demanded the admission of Kansas into the Union with a free constitution. Governor Reeder was there, and Mrs. Robinson, who had

suffered much in Kansas. The civil war ensued, and Mr. Lincoln had an opportunity of reversing the most emphatic saying in all his speeches, "A house divided against itself cannot stand;" and of enforcing one of his grandest utterances, "We will not divide the Union, and *you* shall not;" and I, as I have said, had the honor of "driving the last nail" into the coffin of slavery in Kentucky.

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